United Nations CEDAW/C/SR.1375

Convention on the Elimination of All Forms of Discrimination against Women

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22 February 2016

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1375th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 16 February 2016, at 10 a.m.

Chair: Ms. Gabr (Vice-Chair)

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Japan

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-02274 (E) 180216 220216

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Japan (CEDAW/C/JPN/7-8; CEDAW/C/JPN/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the delegation of Japan took places at the Committee table.*

2. **Mr. Sugiyama** (Japan), introducing the State party's combined seventh and eighth periodic reports (CEDAW/C/JPN/7-8), said that the foundation for all gender equality measures adopted by the Government of Japan was the Basic Act for a Gender-Equal Society of 1999. The Act defined gender equality as the right of men and women to participate on equal terms in all fields of social, political, economic and cultural activity. It prohibited all forms of discriminatory treatment, including unintentional discrimination, set out the basic principles essential to the construction of a gender-equal society and established that the Government had a responsibility to formulate and implement policies, including affirmative action policies, that promoted gender equality. The content and direction of such policies and the specific measures for their implementation were set out in the Basic Plan for Gender Equality, the fourth version of which had been adopted in December 2015.

3. The Fourth Basic Plan was the fruit of broad civil society consultations, including public hearings at venues across the country and proactive discussions with experts in various fields. It had four key objectives: (i) to reform labour practices so as to move away from traditional male-oriented models and towards gender-sensitive, flexible arrangements that enabled women to contribute more actively and enjoy more fulfilling working lives; (ii) to facilitate the recruitment of women and their advancement to positions of responsibility and influence; (iii) to create a more supportive environment for women in difficult situations; and (iv) to strengthen measures for combating violence against women.

4. The implementation and efficacy of the Basic Plan would be monitored by the Council for Gender Equality using a set of 71 performance indicators that included highly ambitious numerical targets for women's participation in all areas of society. Affirmative action measures had already raised the female employment rate and the percentage of women occupying managerial positions in the public and private sectors. The enhanced training and work experience opportunities provided for under the Basic Plan were expected to expand the pool of talented female human resources and thus contribute to further improvements. A key aim was to overturn the workplace culture in which long hours and relocations were taken for granted. To that end, consideration was being given to developing a system whereby companies that sought to foster a better work-life balance for their employees would be given preferential treatment in public-sector tenders. Other family-friendly measures in place or in the pipeline included a parental leave system under which both parents could take up to six months of childcare leave on 80 per cent pay; the creation of an additional 500,000 childcare places by 2018; measures to prevent forced overtime and promote a more supportive environment for pregnancy and child-rearing; and pension system reforms that would exempt self-employed women from the payment of insurance premiums for a certain period before and after childbirth.

5. The Act on the Promotion of Women's Participation and Advancement in the Workplace, enacted in August 2015, would further enhance opportunities for women. Pursuant to the Act, companies were required to set numerical targets for the recruitment and promotion of women, to make such information publicly available and

to eliminate wage disparities. Briefing sessions had been organized to raise awareness of the Act's provisions and an informational website was due to be launched in the near future. Women's empowerment was also being promoted through the adoption of more gender-sensitive budgeting processes.

6. In the international arena, the Government of Japan had assumed a central role in promoting women's empowerment. Its financial contributions to the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) had risen dramatically over the past five years; at the sixty-eighth session of the General Assembly of the United Nations, Prime Minister Abe had expressed the intention to provide official development assistance (ODA) in excess of US$ 3 billion in order to build "a society in which women shine". Since 2014, Japan had been hosting the World Assembly for Women, which brought together leading figures from international organizations and countries around the world to discuss global issues related to women, and Japan would be turning the spotlight on gender mainstreaming when it hosted the Group of Seven (G7) summit in 2016. The Government of Japan was also actively involved in international efforts to promote women's participation in conflict prevention and post-conflict reconciliation and, in September 2015, had formulated a national action plan for the implementation of Security Council resolution 1325 (2000) on women, peace and security. Furthermore, Prime Minister Abe had recently been selected as one of the 10 male Heads of States championing the HeForShe IMPACT 10x10x10 initiatives being implemented by UN-Women.

7. In December 2015, the Governments of Japan and the Republic of Korea had reached an agreement that would finally resolve the long-standing issues surrounding what had been known as the "comfort women" system. The Government of Japan deeply regretted the severe harm done to so many women during wars in the twentieth century and aspired to lead the world in ensuring that such infringements of women's human rights were never repeated. However, since the infringements in question had occurred before Japan had ratified the Convention, which was not applicable retrospectively, it would not be appropriate to address the comfort women issue in terms of the implementation of the State party's duties regarding the Convention.

Articles 1 to 6

8. **Ms. Zou** Xiaoqiao said that it was regrettable that the State party had failed to fully incorporate the definition of discrimination against women set out in article 1 of the Convention into domestic legislation, as the Committee had urged it to do in its previous concluding observations (CEDAW/C/JPN/CO/6). She wished to know what obstacles were preventing it from doing so and whether the enactment of a general law containing a definition of discrimination in line with the Convention was envisaged. She would also like to know whether the State party had a clear timeline for reviewing existing laws to assess their compatibility with the Convention and the Committee's general recommendations and for repealing discriminatory provisions such as those included in the Civil Code and the Anti-Prostitution Act. She was concerned that the term "gender equality", which was used in the report and other official documents, appeared to correspond to a Japanese term for which the literal translation was "equal participation of men and women". That term was more commonly used in an economic growth context rather than in reference to human rights and was not consistent with the definition of gender equality established in the Convention. She invited the delegation to comment on that view and explain what was being done to ensure substantive gender equality in all areas covered by the Convention.

9. **Mr. Bruun** said that the lack of references to the Convention in Japanese case law, coupled with reports that the Supreme Court apparently did not regard the Convention's provisions as being directly applicable or self-executing, suggested that

the concerns raised by the Committee in its previous concluding observations about the Convention's status within the legal system had not yet been addressed. Since ratification of the Optional Protocol to the Convention would be a means of achieving fuller implementation of the Convention and of strengthening the role it played in court proceedings, he would like to know what progress had been made in that direction and what the Division for Implementation of Human Rights Treaties was doing to facilitate acceptance of the procedure provided for in the Protocol. He would also like to know what the State party was doing to establish an independent human rights institution in accordance with the Paris Principles which could then deal with sex discrimination and gender equality issues. Alternative sources indicated that the State party had also made little progress in increasing the Convention's visibility since 2009. Information on efforts to raise awareness of its provisions among legal professionals, in schools and among the general public would therefore be appreciated. He would also like to know whether the dialogue with the Committee and the resultant concluding observations would be discussed in the Diet; whether the new ODA programme incorporated a comprehensive gender perspective; whether the issue of sexual violence committed by foreign military forces based in Japan was addressed in the national action plan for the implementation of Security Council resolution 1325 (2000); and what was being done to ensure that gender was mainstreamed in all security policies.

10. **Ms. Halperin-Kaddari** said that she, too, was concerned by the State party's failure to rectify discriminatory provisions of the Civil Code, the Family Registration Act and other laws, including those relating to the mandatory waiting period prior to remarriage, which was longer for divorced women than for divorced men, the registration of "illegitimate" children and the different ages at which men and women were permitted to marry. She had been particularly concerned to learn that the country's highest court had apparently concluded that such provisions were not discriminatory. Its position on the requirement for married couples to adopt a unified family name was especially surprising and clearly in breach of the obligation to promote substantive equality. The State party's arguments that the provisions were consistent with its Constitution and that "a citizens' consensus was required to revise provisions of the Civil Code" were not acceptable, given the status of duly ratified treaties in domestic law, and urgent action was needed to rectify the situation. There was also an urgent need for legislation that protected sexual minorities against discrimination in employment, housing, health and other areas.

11. **Ms. Takegawa** (Japan) said that gender-based discrimination was expressly prohibited by the Constitution, which also provided that treaties duly ratified and promulgated by Japan had the same force as domestic law. In addition, the Basic Act for a Gender-Equal Society enshrined the principles of equal opportunity and equal respect for the dignity of men and women.

12. **Ms. Tsuchiya** (Japan) said that, since persons engaged in prostitution could be male or female, the Anti-Prostitution Act was not considered to be discriminatory. Moreover, it was generally the persons who engaged in procuring or soliciting acts of prostitution who would face criminal sanctions.

13. **Mr. Otsuka** (Japan) said that amending the Civil Code was a complicated undertaking, since its provisions related to traditional family relationships and culture in Japan. A clear public consensus was thus needed before such amendments could be introduced. The Government had, however, made progress in certain areas. While the distinction between children born in and out of wedlock persisted, there were no longer discriminatory provisions concerning their inheritance rights. The Government was also currently drafting a bill to reduce the waiting period before remarriage in the light of a recent decision by the Supreme Court. Public opinion remained divided on

issues such as harmonizing the ages at which men and women could marry and permitting married couples to use different surnames, and the Government would therefore continue to monitor the debate.

14. **Mr. Saita** (Japan) said that the Government was still exploring the best method for establishing an independent human rights institution. Regarding training for judges, prosecutors and other law enforcement officials, a wide range of courses for new recruits and for newly promoted personnel, as well as opportunities for continuing professional development, were available. Those courses included instruction on the content of international treaties and human-rights-related and gender-based issues, as well as training in ways of dealing with cases of domestic violence, stalking, harassment and sex crimes and of providing support to victims.

15. **Mr. Sugiyama** (Japan) said that, in the constitutional system of Japan, international undertakings to which it was a party were superior to domestic laws so long as the treaty in question was self-executing. Given the implications of article 18, in particular, of the Convention on the Elimination of All Forms of Discrimination against Women, however, it was non-self-executing and thus was not directly applicable in the courts. Since Japan was committed to fulfilling the Convention — and specific mention should be made to article 24 in that connection — it was working to adopt the domestic legislation required for its full implementation.

16. **Mr. Mizushima** (Japan), referring to the ODA charter and how it related to the Convention and to Security Council resolution 1325 (2000), said that ODA was based on the principle of human security, and particular emphasis was thus placed on gender equality and women's empowerment, which were pillars of the Initiative on Gender and Development. That initiative explicitly mentioned the necessity of gender-equal efforts based on the Convention and sought to improve the status of women in developing countries and to enhance women's participation in development programmes. As to the implementation of Security Council resolution 1325 (2000) on women, peace and security, the Government had recently developed a comprehensive national plan that would promote women's participation in both domestic and foreign initiatives mounted in response to a range of conflict and disaster situations. Japan was also one of the leading donors for efforts to tackle the problem of sexual violence in conflict situations. The issue of sexual violence committed by foreign military personnel in Japan was covered by a framework agreement on the subject, and there was thus no need for it to be addressed in an action plan.

17. **Mr. Komatsuzaki** (Japan), in response to a question on the protection of sexual minorities, said that it was imperative to provide a tailored response to children with gender identity disorders. A process had been established whereby school counsellors, teachers and school nursing staff worked with such children while taking into consideration their individual needs and the wishes of their parents or guardians.

18. **Ms. Takegawa** (Japan) said that one of the principles of the Basic Act for a Gender-Equal Society was to ensure that men and women in Japan had equal career opportunities. With 3 million women actively looking for work, the Government's goal was to build a society that enabled women to shine; gender equality was not viewed simply as a strategy for boosting economic growth.

19. **Ms. Halperin-Kaddari** said that conducting opinion polls to determine whether or not there was a public consensus as to the need to repeal the discriminatory provisions of the Civil Code was not an appropriate procedure. The Government urgently needed to repeal those provisions and abide by international standards and agreements. Information on the specific legislation in place to prohibit discrimination against sexual minorities would be appreciated.

20. **Ms. Schulz**, emphasizing that the Government should lead, rather than follow, society's views on issues such as putting an end to violations of the rights of various groups in the population, said that she was concerned at the fact that the information in the State party's report regarding the progress made in preventing discrimination against women with disabilities was at odds with the information received from numerous alternative sources. The limited availability of information on the country's overall legal, social and financial framework for the prevention of discrimination against women with disabilities hampered the development of appropriate public policies. She would like to know what plans the Government had to remedy that situation. She would be interested to learn what steps had been, or were to be, taken to guarantee that women with disabilities and low-income pensioners, many of whom were also women with disabilities, enjoyed the right to non-discrimination and substantive equality, particularly in view of the increasing privatization of or reduction in public services. Many women with disabilities were living on pensions that were insufficient to permit them to live with dignity. What measures had the Government put in place or envisaged to address that issue?

21. **Mr. Otsuka** (Japan) said that the adoption of a bill to amend discriminatory provisions in the Civil Code was subject to the agreement of the governing party. Thus, it was not solely a matter of garnering public approval; political parties and politicians were also divided on the course of action to be taken. The matter was therefore a subject of both public and political debate.

22. **Mr. Mizushima** (Japan) said that the Government was giving serious consideration to the ratification of the Optional Protocol to the Convention and was actively working to determine what kinds of institutional arrangements would be necessary to ensure that the communications procedure could be successfully implemented.

23. **Ms. Genka** (Japan) said that a range of measures had been put in place to promote the employment of women with disabilities, including job placement counselling and assistance tailored to the specific nature of the person's disability and the provision of training and support for reasonable accommodation. Special social welfare benefits and pensions were provided to persons with severe disabilities and persons on low incomes.

24. **Ms. Nadaraia** said that, while some information had been provided on the national machinery for the advancement of women in the replies to the list of issues (CEDAW/C/JPN/Q/7-8/Add.1), it remained unclear what measures the State party had taken to strengthen that machinery, particularly with regard to the specification of the mandate and responsibilities of its various components, such as the Minister of State for Gender Equality and Social Affairs, the Gender Equality Bureau and the Council for Gender Equality. Moreover, reports received by the Committee indicated that gender equality was only a small part of the administrative duties of the minister responsible for that area. Lastly, further information would be appreciated on the extent to which the Third Basic Plan for Gender Equality had been implemented and on any difficulties that had been encountered in that connection.

25. **Ms. Takegawa** (Japan) said that the Headquarters for the Promotion of Gender Equality was responsible for gender mainstreaming and for coordinating the implementation of gender equality policies. The Cabinet Office treated the dynamic and equal engagement of all citizens as a priority and recognized the importance of incorporating a gender perspective into public policies. The Gender Equality Bureau currently employed 72 staff members and had a budget of 800 million yen. One of the fundamental objectives of the Third Basic Plan for Gender Equality had been to promote affirmative action, which underpinned the recently adopted Act on the Promotion of Women's Participation and Advancement in the Workplace.

26. **Ms. Nwankwo** said that the Committee was concerned that the measures set out in the Third Basic Plan for Gender Equality were not binding and that the Government had not implemented gender quota systems with clearly defined sanctions for non-compliance. Consequently, the Third Basic Plan had failed to achieve significant results, and women's participation in the Diet, the judiciary, private companies and the higher echelons of the civil service remained very limited. With that in mind, she would like to know whether the State party would consider adopting temporary special measures to enable members of minority groups, including women, to enjoy substantive equality. She invited the delegation to clarify the claim made in paragraph 74 of the replies to the list of issues (CEDAW/C/JPN/Q/7-8/Add.1) that making the quota system mandatory might impose an excessive burden on the opposite sex. She also wished to know whether a mechanism was in place to monitor the implementation of the Fourth Basic Plan, whether the results of the Third Basic Plan had been evaluated and, if so, what the outcome had been.

27. **Ms. Takegawa** (Japan) said that, while binding measures might help to increase the number of women parliamentarians, the Government had a duty to respect the independence of the legislative branch. As part of its implementation of the Third Basic Plan, it had requested political parties to consider introducing quotas. Under the Act on the Promotion of Women's Participation and Advancement in the Workplace, private companies were encouraged to set numerical targets. The Government also planned to take steps to facilitate the comparison of companies' records in terms of their efforts to foster gender equality.

28. **Ms. Nwankwo**, noting that a bill was being drafted that would provide for legislated gender quotas, asked whether the relevant government ministry would be working to promote its adoption.

29. **Ms. Zou** Xiaoqiao said that she wished to know whether there were plans to convert the post of Minister of State for Gender Equality into a full-time position, what steps had been taken to institutionalize gender budgeting and whether the budget for the Fourth Basic Plan had already been drawn up. The delegation should also explain whether the Plan provided for targeted and time-bound measures to address the inequalities faced by migrant women, women with disabilities, indigenous women and other women belonging to minorities.

30. **Ms. Takegawa** (Japan) said that a bill providing for gender quotas in the legislature would be unlikely to receive backing from the executive branch because of the need to respect the separation of powers. Making the post of Minister of State for Gender Equality a full-time portfolio might not be feasible as there was a limit to the number of ministers who could be appointed to the Cabinet. The issues of gender equality, women's empowerment and the declining birth rate were closely linked; it thus made sense for them to form part of a single ministerial portfolio. For the fiscal year from 1 April 2015 to 31 March 2016, a gender perspective had been incorporated into the budgeting process. Efforts had been made to include provisions in the Fourth Basic Plan to protect the human rights of vulnerable groups of women.

31. **Ms. Gbedemah** said that she would welcome the delegation's comments on reports that the stereotype that women should be homemakers persisted and was perpetuated in school textbooks, that women were depicted as sex symbols and mother figures in advertising and the media, and that adult pornography featuring Japanese and foreign women was largely unregulated. She would like to know what effective measures, including legislation, were envisaged to protect the dignity and human rights of women employed in the pornography industry and whether cases of sexual violence against those women were investigated.

32. Since there appeared to be no legal provisions to prevent or sanction hate speech, she would like to know more about the status of the bill on the elimination of racial discrimination that had been submitted to the National Diet in May 2015. Did it deal with the issue of hate speech as well? She would also appreciate additional information on what had been done since the issuance of the previous concluding observations (CEDAW/C/JPN/CO/6) to ensure that public officials refrained from making sexist remarks. It would be helpful for the delegation to describe the efforts that had been made to crack down on stalking and to investigate the factors underlying violence against women and the reluctance of certain categories of victims to report violations of their rights.

33. **Ms. Halperin-Kaddari** said that there were a number of shortcomings in the State party's Criminal Code. Sexual crimes against children under 13 years of age were dealt with in the same article as rape and carried the same minimum punishment of three years' imprisonment. The article in question contained no mention of incest, an omission that had apparently not been discussed by the Ministry of Justice review committee referred to in paragraph 27 of the responses to the list of issues. Moreover, the definition of rape as interpreted by the courts was very narrow, covering only vaginal penetration by the penis, while other forms of penetration were classified merely as indecent acts. The definition thus fell short of international standards, notably those set forth in article 36 of the Istanbul Convention. She wished to know whether the Government was contemplating the possibility of amending the Criminal Code to address the fact that marital rape was not explicitly criminalized, which resulted in de facto impunity for perpetrators. Were steps being taken to expedite the processing of restraining orders and to facilitate the issuance of ex parte retraining orders? It would also be useful to know whether the Act on the Prevention of Spousal Violence and the Protection of Victims applied to same-sex couples.

34. **Ms. Hofmeister** asked whether steps would be taken to reform the Technical Intern Training Programme, through which women were effectively subjected to forced labour, and whether the Government planned to ratify the United Nations Convention against Transnational Organized Crime and the Palermo Protocol. She would also welcome information on measures to provide special assistance and shelters for trafficking victims; to investigate, prosecute, convict and punish the perpetrators of sex trafficking and forced labour; to suppress the demand for prostitution; and to tackle discrimination against prostitutes. As to the issue of comfort women, which the Committee was entitled to raise owing to the continued suffering of victims who had not received satisfaction, she would like to learn more about the legal status and implementation of the bilateral agreement between Japan and the Republic of Korea. She wished to know what the Government was doing to honour its obligations to foreign victims under international human rights law and to follow up on the issue raised in paragraph 38 of the previous concluding observations, in which the Committee had urged the State party to find a lasting solution to the situation of comfort women that would include the compensation of victims, the prosecution of perpetrators and the education of the public about those crimes. She invited the delegation to describe what steps were being taken to offer an apology and full redress to former comfort women and to the descendants of those who were deceased.

35. **Ms. Takegawa** (Japan) said that, in order to combat stereotypes, a month-long campaign was launched in June of each year to promote gender equality. With regard to hate speech, steps had been taken by the country's political parties to discourage public figures from making harmful statements. Thanks to the implementation of comprehensive measures, there had been a significant reduction in the number of human trafficking cases in Japan since 2005.

36. **Mr. Sugiyama** (Japan) said that the full-scale fact-finding study on the issue of "comfort women" conducted by the Government of Japan in the 1990s had not found confirmation of the widespread belief that such women had been forcibly removed from their country of origin by Japanese military personnel or Government agents. The testimony to that effect contained in the 1983 memoires of Japanese novelist Seiji Yoshida had been disputed and subsequently disproved by Japanese scholars. Moreover, in 2014, a leading Japanese newspaper had issued a corrigendum to several articles which had relied heavily on Yoshida's fabricated testimony and had issued an apology to its readers. There was no evidence to support the claim made by a leading Japanese newspaper that as many as 200,000 women had been recruited as comfort women during the Second World War, and that had subsequently been recognized by the newspaper itself. That figure could well be the result of a conflation of the number of women recruited as comfort women and the number recruited by the Women's Volunteer Labour Corps. The Government of Japan also rejected the unfounded claim that comfort women had been akin to sex slaves. Following a round of intensive consultations, the Foreign Ministers of Japan and the Republic of Korea had issued a joint announcement on the issue which had brought it to a close. The Government of Japan had taken a number of steps to provide redress to former comfort women, including through the creation of the Asian Women's Fund. Moreover, it had been decided that the Government of the Republic of Korea would set up a foundation to support former comfort women to which the Government of Japan would make a one-time donation. The two Governments would also conduct projects aimed at rehabilitating former comfort women. As to the issue of reparations and claims originating from events that occurred during the Second World War, the Government of Japan had acted in good faith, pursuant to the San Francisco Peace Treaty and other relevant agreements, and such claims had been legally settled with the parties to those instruments.

37. **Mr. Komatsuzaki** (Japan) said that a recent survey had revealed that, while entrenched stereotypes regarding the roles and responsibilities of women in Japanese society persisted, that was beginning to change. The Government was not aware of any textbooks that perpetuated negative stereotypes.

38. **Mr. Takano** (Japan) said that Japan had a law that required all adult entertainment to be approved by the National Public Safety Commission. That law regulated adult pornography and its distribution. Police officers were required to report the discovery of obscene material and, if its possession or distribution constituted an offence under the Japanese Criminal Code, to investigate the individuals involved and turn their cases over for prosecution.

39. **Ms. Tsuchiya** (Japan) said that article 175 of the Japanese Criminal Code prohibited the possession, distribution or display of obscene materials in public. The possession and display of child pornography were criminal offences. The Ministry of Justice had undertaken a review of the punishments imposed for crimes of a sexual nature to determine whether steps should be taken to amend the Criminal Code, and proposed amendments were currently being discussed by the Legislative Council, which was deliberating on issues such as whether to expand the current definition of sexual intercourse to include anal and oral intercourse and how incest should be legally defined and punished. Under article 177 of the Japanese Criminal Code, rape was punishable by a prison term with labour of not less than three years. Marital rape could be established as a separate offence under Japanese criminal law, and cases involving marital rape had been brought before the courts. Procuring and providing premises for prostitution constituted criminal offences under the Anti-Prostitution Act. The law under which activities relating to child prostitution and child pornography were punishable criminal offences also prohibited the solicitation of child prostitution and prescribed harsh penalties for that offence. The Government launched annual

campaigns to raise public awareness of the plight of victims of human trafficking and prostitution. Hate speech could be punished as a criminal offence if it amounted to defamation or verbal assault or was used to incite discrimination against minority groups or to intimidate them.

40. **Mr. Otsuka** (Japan) said that the Act on the Prevention of Spousal Violence and the Protection of Victims required the courts to expedite the hearing of cases in which the victim had requested a restraining order. The amount of time that it took to grant a restraining order ultimately depended on the specific set of circumstances involved, but in the case of spousal violence, such orders were issued promptly. While the law on spousal violence made no specific reference to same-sex couples, the courts had the power to determine whether it applied to such couples and to decide whether or not to issue a restraining order on a case-by-case basis. There had been instances in which a restraining order had been granted to a person in a same-sex relationship in the past.

41. **Mr. Saita** (Japan) said that victims of hate speech were eligible for compensation if the offence was prosecuted under the Civil Code. The Ministry of Justice was in the process of gathering information from local governments on the prevalence of hate speech in Japanese society with a view to stepping up the measures that were in place to combat it. Deliberations on the bill to prohibit racial discrimination were still ongoing within the Legislative Council. The National Police Agency investigated all suspected cases of human trafficking for the purposes of forced labour or sexual exploitation. Female victims of human trafficking could avail themselves of a special residence permit. The Technical Intern Training Programme was intended to promote the sharing of skills and expertise and human resource development. While that programme was widely viewed as a positive initiative, some employers considered technical interns to be a source of cheap labour and exploited them in violation of labour laws. A bill that would require employers wishing to participate in the programme to be vetted and licensed and that would establish their criminal liability for any human rights violations had been drafted and submitted for discussion.

42. **Ms. Genka** (Japan) said that older women and women with disabilities tended to be targets for violence and abuse, often at the hands of caregivers, and special laws had been adopted to protect and assist them. Training in the prevention and handling of cases involving violence against women had been dispensed to government officials. In urgent situations, emergency accommodations and care could be provided to the elderly.

43. **Mr. Mizushima** (Japan) said that the Palermo Protocol had not yet been ratified because deliberations on that subject were still under way.

44. **Ms. Gbedemah** asked how the various laws prohibiting the possession, distribution and display of obscene materials were enforced in practice; whether any individuals had been prosecuted for those offences; whether the upcoming bill on the prohibition of racial discrimination would expressly criminalize hate speech; and whether the measures taken by the State party to combat violence against women with disabilities and elderly women and to encourage women to report violations of their rights had yielded positive results.

45. **Ms. Zou** Xiaoqiao said that she found the position taken by the Government of Japan on the issue of comfort women to be contradictory, as the Government continued to deny that those women had been forcibly removed from their country of origin by Japanese military personnel or government agents while at the same time endorsing the joint announcement regarding comfort women issued by the Foreign Ministers of Japan and the Republic of Korea. She failed to understand why the Government of Japan had taken that position, especially in the light of the Kono

Statement of 1993, in which the Government of Japan had acknowledged that many comfort women had been recruited into "comfort stations" against their will at the request of the Japanese military. She wished to know whether, in addition to the apology already issued, the Government of Japan would consider sending a written apology to all surviving comfort women and whether it intended to acknowledge its legal responsibilities to those women by providing them with adequate redress and by taking the necessary steps to ensure that all those involved in their recruitment and exploitation were prosecuted and punished.

46. **Ms. Halperin-Kaddari** said that the Government's current approach to dealing with domestic violence betrayed a distinct lack of understanding of the phenomenon of gender-based violence in general and of the need to introduce special procedures for dealing with it. Since it could take up to 12 days for a restraining order to be granted, she would like to know whether the State party had considered introducing a system whereby emergency protection orders could be granted at a moment's notice if required. She wished to know whether perpetrators of domestic violence could be prosecuted without the victim filing a formal complaint; whether the Government intended to increase the minimum penalty for sexual offences against girls under the age of 13; and whether it planned to amend the Japanese Criminal Code to establish marital rape as a stand-alone offence and to extend the scope of the Act on the Prevention of Spousal Violence and the Protection of Victims to explicitly cover same-sex couples.

47. **Mr. Sugiyama** (Japan) said that the issuance of the joint announcement on comfort women by the Foreign Ministers of Japan and the Republic of Korea had brought the issue to a close and that the text of the announcement had been duly appended to his country's written replies to the list of issues (CEDAW/C/JPN/Q/7-8/Add.1). The contention that the Government of Japan sought to deny the past or that it was not taking steps to deal with the issue was clearly contradicted by the facts. The joint announcement acknowledged the involvement of Japanese military authorities and described the recruitment of comfort women as an affront to the honour and dignity of the women in question. The Government of Japan had acknowledged its responsibilities and issued a sincere apology. Both the Government of Japan and the Government of the Republic of Korea were making every effort to honour the terms of the agreement that they had reached.

48. **Ms. Takegawa** (Japan) said that it was unacceptable for public officials to make discriminatory statements or sexist remarks and that all such instances were dealt with accordingly. One of the steps taken to stem the distribution of child pornography was to block websites known to contain such material.

The meeting rose at 1.05 p.m.

United Nations CEDAW/C/SR.1376

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1376th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 16 February 2016, at 3 p.m.

Chair: Ms. Gabr (Vice-Chair)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Japan (continued)

Tribute to Mr. Boutros Boutros-Ghali

This record is subject to correction.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Japan (continued) (CEDAW/C/JPN/7-8; CEDAW/C/JPN/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the delegation of Japan took places at the Committee table.*

2. **Mr. Otsuka** (Japan) said that a discussion was under way in the Diet on the development of a bill to protect the rights of sexual minorities. On the issue of restraining orders, the Government of Japan shared the Committee's concerns. While the courts made decisions about such orders on an individual basis, swift action was taken to protect women if there was a risk of domestic violence, and temporary shelters were available.

3. **Ms. Tsuchiya** (Japan) said that rape cases could currently be prosecuted only if the victim lodged a complaint. Discussions were under way in the Legislative Council about the possibility of introducing an amendment to change that, however. Sexual intercourse with minors under the age of 13, even when it was consensual, was punishable by between 3 and 20 years of imprisonment. Law enforcement officials had been stepping up their efforts to combat the distribution of pornography and related offences and had made 185 arrests in that connection in 2014.

Articles 7 to 9

4. **Ms. Nwankwo** said that women were underrepresented in numerous fields in Japan, as demonstrated by the statistics provided in the State party's report and by its quite low ranking in the world classification prepared by the Inter-Parliamentary Union on women in national parliaments and in the Global Gender Gap Report for 2015 prepared by the World Economic Forum. In the Committee's concluding observations of 2009 (CEDAW/C/JPN/CO/6), it had requested information on the representation of women, including migrant and minority women, in political and public life. Could the State party please provide further information on that subject? Alternative sources had indicated that Ainu women were not represented in meetings of the Comprehensive Ainu Policy Office, that Okinawans, and Okinawan women in particular, were not included in negotiations on matters that affected them and that Korean immigrants were not able to vote, regardless of how long they had resided in Japan. Did the State party plan to increase the number of women, including women with disabilities, in political and public bodies in order to ensure that their viewpoints were properly represented so as to reflect the full diversity of the population? It was her understanding that, as of 2013, the State party had only one female ambassador serving overseas, while only 16 per cent of the total staff in overseas diplomatic missions were women. She would therefore welcome information on the efforts being made by the State party to fulfil its obligations under article 8 of the Convention. She would also like to know whether article 8 of the Convention was, as a matter of policy, considered when the State party appointed individuals to positions in international organizations. Under the single-seat constituency system it was especially difficult for women and persons belonging to minority groups to run for election. Was the State party considering undertaking electoral reform to introduce proportional representation, which would result in a more inclusive election system?

5. **Ms. Takegawa** (Japan) said that political parties had been urged to take affirmative action to increase the representation of women in the Diet. Women from minority groups were indeed included in decision-making processes that affected

them. For example, two Ainu women sat on the Council for Ainu Policy Promotion. Japan faced numerous challenges in ensuring equal representation of women since society as the country had a male-oriented employment and political culture which needed to be changed. Capacity-building for potential women candidates was also an issue, and both of those points were addressed in the Fourth Basic Plan.

Articles 10 to 14

6. **Ms. Jahan** said that the State party was to be commended for placing priority on ensuring equal access to education at all levels for women and girls and for the progress that had been made in that regard in recent years. However there was still a significant gender gap in enrolment rates in higher education and in certain fields of study. The Third Basic Plan had placed priority on the promotion of gender equality in science and technology, but the State party's report had not described the strategy that was being used to increase the numbers of female researchers in those fields. Had temporary special measures or financial support been provided for that purpose? The number of women in education was very low, with very few women occupying managerial positions or holding professorships in institutions of higher learning. What strategy was being used by the State party to achieve gender parity at all levels of education? She would also welcome information on the steps being taken to encourage women to assume leadership and decision-making posts at university level.

7. The Committee had expressed concern in its previous concluding observations about the abrogation of article 5 of the Basic Act on Education, which referred to the promotion of gender equality. Was consideration being given to its reinstatement? In its report, the State party had said that students were taught about gender equality and human rights, but it was not clear whether gender equality was specifically included in school curricula. Alternative sources had indicated that women belonging to ethnic minority groups, migrant women and women with disabilities all had low literacy rates. The Committee was in need of more data in order to gain a clear picture of the situation in that regard. Were there plans to regularly collect disaggregated data on women belonging to such groups and were specific measures in place to promote the education of those women?

8. **Mr. Bruun** said that the average woman in Japan earned from 40 to 50 per cent less than the average man. The new Act on the Promotion of Women's Participation and Advancement in the Workplace was a step forward but the State party should also consider implementing the principle of equal pay for work of equal value, in accordance with the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100), which it had ratified. A clause was needed in the Equal Employment Opportunity Act to explicitly prohibit direct and indirect discrimination based on gender. That was especially true given that the Supreme Court of Japan had previously interpreted wage discrimination in a quite narrow sense. The Committee welcomed the legislative efforts of the Government to address the many difficulties relating to pregnancy and maternity faced by women in Japan but believed that a clear prohibition of discrimination in that regard was needed, in particular given the large numbers of women in precarious employment situations. Did the State party plan to ratify the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and to take legislative measures to prohibit sexual harassment in the workplace, which was reportedly widespread?

9. **Ms. Haidar** said that the Committee was concerned about the intersectional discrimination in the labour market faced by women with disabilities and women belonging to ethnic minorities. Those women were often unemployed and, when they did secure work, it was frequently in jobs of a precarious nature in which there were significant pay gaps between them and their male colleagues. Was the State party

planning to enact comprehensive anti-discrimination legislation to address that situation? He would like to know whether the State party was considering ratifying the ILO Domestic Workers Convention, 2011 (No. 189) and whether temporary special measures were to be introduced to address imbalances in the labour market.

10. **Ms. Pimentel** said that she would appreciate more information about the sex education programme in Japan and its results and about what kind of information was provided to migrant and ethnic minority women on the health services available to them. Alternative sources had indicated that the number of abortions performed on girls under the age of 15 was increasing. Could the State party please clarify what measures were being taken to prevent unwanted pregnancies, especially among young girls? Was the State party prepared to consider doing away with the requirement that a woman seeking an abortion had to obtain the consent of her husband and explicitly legalizing abortion in the case of rape, incest or severe malformation of the fetus? She also wished to know what steps the State party was taking to act upon the recommendations made by the Human Rights Committee in its concluding observations of 1998 (CCPR/C/79/Add.102) regarding the provision of compensation to disabled women who had been victims of forced sterilization.

11. Given that the State party had signed Human Rights Council resolution 17/19 (A/HRC/RES/17/19), she would like to know when discriminatory legislation targeting transsexual persons was to be amended and how the Government planned to go about discrediting the concept of gender identity disorder. What steps were being taken to ensure that transgender people were guaranteed access to health care? Information would be welcome on the social and medical services provided to women with mental health disorders and on the steps taken to reduce the reportedly high suicide rate among lesbian, gay, bisexual and transgender persons. She would also appreciate information on the steps taken to provide free, appropriate medical care to women in areas subject to evacuation who had been exposed to dangerous levels of radiation, especially in view of the fact that women were more sensitive to radiation than men, according to the World Health Organization (WHO).

12. **Mr. Komatsuzaki** (Japan) said that one of the main objectives of the Third and Fourth Basic Plans for Gender Equality was to narrow the gap between the sexes in terms of enrolment in tertiary education. Economic support, including interest-free or low-interest loans, was provided to women belonging to minority groups, and scholarships were made available as a means of promoting equality of opportunity. Under the Act on the Promotion of Women's Participation and Advancement in the Workplace, universities were required to take specific steps to uphold women's right to participate in university life. With regard to the question concerning the abrogation of article 5 of the Basic Act on Education, the emphasis was on the promotion of co-education, and most schools were now co-educational, rendering article 5 unnecessary. Non-discrimination in education was explicitly provided for in the Basic Act on Education, and children were taught about the importance of equal rights and equal opportunities for men and women in school.

13. **Ms. Genka** (Japan) said that the focus was on encouraging businesses to improve the working environment rather than on strengthening penalties for sexual harassment in the workplace. Japan had ratified the ILO Abolition of Forced Labour Convention, 1957 (No. 105), but further study was needed before making a decision as to whether to ratify ILO Convention No. 111. The Labour Standards Act and court rulings made it clear that men and women should be paid the same wage, and no further laws on that issue were considered necessary. All gender-based discrimination was prohibited in Japan by the Employment Opportunity Act, as was discrimination based on place of origin.

14. **Mr. Mizushima** (Japan), responding to a question on the ratification of the ILO Domestic Workers Convention, 2011 (No. 189), said that all appropriate labour standards and regulations also applied to domestic workers contracted to work for Japanese companies. Careful study would be necessary to determine the consistency of ILO Convention 189 with Japanese law before ratification would be possible.

15. **Ms. Takegawa** (Japan) said that in order to deal with radiation risks, Fukushima Prefecture had established a health-care fund that covered health checks, including thyroid examinations and ultrasounds, for all residents, and special attention was devoted to pregnant women and children. As for the protection of minority women's rights, employment and education policies applied to all Japanese citizens, including minorities such as indigenous Buraku and ethnic Koreans living in Japan.

16. **Ms. Genka** (Japan) said that the Government provided employment and economic support for single mothers as part of Japan's comprehensive support policy for women in business, which was in line with the four policy pillars for achieving a desirable society. Local counselling offices also offered guidance to single mothers. As for the question asked earlier about doing away with the requirement that a woman seeking an abortion had to have the consent of her husband, parents had joint custody of their children under the Japanese Civil Code. Since the fetus was the precursor to the child, the father had the same parental authority as the mother and should be consulted if an abortion was being considered.

17. **Ms. Haidar** said that she would like to know whether the State party intended to enact comprehensive anti-discrimination legislation. It was important to ensure that government policies did not exist merely in name, but were actually effective; surveys and statistics were crucial in measuring their effectiveness. While she welcomed the information provided on Buraku women, further details on other minorities and the situation of women with disabilities would be appreciated.

18. **Ms. Jahan** said that additional information was needed on measures to promote the education of women belonging to ethnic minorities, female migrants, and women and girls with disabilities. The fact that the State party's general policies applied to them in theory was not enough: their specific situation called for special measures. It was encouraging to learn that economic support was provided to minority women, especially for purposes of education; she would like to know whether Japanese language training, specifically, was provided to them at a concessional rate. Had subsidies to Korean schools been reinstated? The State party should clarify whether sex education was provided to women with disabilities. It would also be useful to learn how the State party was addressing the problem of bullying and sexual harassment of minority women and girls in education.

19. **Ms. Pimentel** said that she would like to know whether the State party was considering explicitly legalizing abortion in cases of rape or fetal malformation. The Committee would encourage the State party to reconsider its position regarding eugenic protection, which many international organizations, including the World Health Organization, opposed.

20. **Ms. Schulz** said that the State party should indicate what measures had been adopted to protect lesbian, gay, bisexual and transgender people against discrimination in the workplace. It was regrettable that reparations had not been made to the thousands of women who had been subjected to forced sterilization, as had been recommended by the Human Rights Committee in 1998. It would be useful to know what steps were being taken to ensure that the health system provided adequate care, including sexual and reproductive health services, to the lesbian, gay, bisexual and transgender population. Did Japan conduct reviews of health-care institutions to identify potential problems in that connection?

21. **Ms. Zou** Xiaoqiao said that the State party should be more specific about the measures, including any benchmarks or incentives, being used to promote women's participation in public life in such a way as to reflect the full diversity of the population. With regard to the implementation of article 11 of the Convention, she would like to know whether gender-sensitive assistance was made available to female victims of sexual harassment and to women who fell victim to harassment in the workplace after becoming pregnant or giving birth.

22. **Ms. Takegawa** (Japan) said that laws on the prohibition of discrimination in employment and on the right to equal opportunity already existed; Japan therefore did not envisage enacting comprehensive anti-discrimination legislation. Research on the living conditions of Ainu people in Hokkaido and elsewhere had been conducted; as for the Buraku people, no large-scale studies had been done since the termination of the special measures first adopted in 1969 to improve the situation of those people.

23. **Mr. Komatsuzaki** (Japan) said that municipal boards of education were responsible for deciding whether or not children, including those belonging to minority groups, could be enrolled in the standard education system. Foreign students were permitted to enrol in special schools that catered to nationals of other countries. Japanese language training, supported by the Government, was made available to foreigners living in Japan in order to facilitate their daily activities. Schools made sex education available in line with children's stage of development and parents' inputs; instruction in that area focused on the importance of health, the prevention of sexually transmitted disease, in particular HIV, and respect for one another; individual guidance was also sometimes provided. The Government was working with boards of education to ensure compliance with the teachers' code of conduct and thus provide for a better learning environment.

24. **Ms. Genka** (Japan) said that labour standards applied to all persons in the workplace; therefore, any violations of those standards, including in respect of minorities and persons identifying as lesbian, gay, bisexual or transgender persons, could be contested on the basis of existing laws dealing with the settlement of labour disputes. The equal opportunity section of each prefecture's labour office was responsible for dealing with cases of sexual harassment and harassment of pregnant women or new mothers who went back to work; leaflets were distributed to inform people that the office could be consulted for guidance. If breaches of the law were suspected, the office sent representatives to visit the business enterprise against which a complaint had been lodged. In 2014, over 11,000 inquiries had been received by prefecture labour offices and, of the 8,000 businesses that had been visited, more than 90 per cent had taken corrective action within one year. The universal health-care scheme covered all Japanese citizens, including sexual minorities.

25. **Mr. Mizushima** (Japan) said that, out of a total of 154 Japanese ambassadors, 10 were women, but in recent years, the Government had taken steps to ensure that mothers were provided with more flexibility with regard to maternity leave and day care and that when officials were posted overseas, their spouses could accompany them. He therefore hoped that the number of female ambassadors would continue to increase. A total of 36 women had been appointed to posts in international organizations between 2006 and 2013, and there were now more women than men representing Japan in international organizations.

26. **Ms. Takegawa** (Japan) said that the Government had set a goal of having 30 per cent of the seats in the two houses of the Diet occupied by women by 2020 and had approached political parties to raise their awareness of that goal. The ratio of women to men recruited for government posts varied by grade. The Government had also set specific targets for increases in the number of women in official positions, including at the director level, as part of its Fourth Basic Plan for Gender Equality. Under the Act

on the Promotion of Women's Participation and Advancement in the Workplace, businesses were to be mandated to devise action plans for the implementation of that legislation.

27. **Ms. Pomeranzi**, referring to the Act on Special Measures concerning Support for Employment of Mothers in Fatherless Households and Fathers in Motherless Households, which had come into effect in 2013 and represented a shift away from a welfare approach, said that she wished to know whether the Government had duly considered the impact of the new legislation on women, since most single parents were women. The Committee had received information which indicated that elderly women and minority women continued to experience multiple forms of discrimination. Furthermore, there were reports that a considerable gap existed between men and women in terms of pension benefits. She would therefore like to know how the Government intended to modify the pension scheme in order to guarantee minimum living standards for elderly women. Lastly, she was concerned that the Act on the Provision of Disaster Condolence Grants, which gave preference to persons who were their households' primary source of income — typically, men — appeared likely to discriminate indirectly against women.

28. While the Government's efforts to narrow the gender gap were commendable, it was important to understand the actual impact of the strategies being implemented. In the case of the strategy for giving preferential treatment to business women, it would be helpful if the State party could provide additional data on the number of women-owned businesses that received government support and the number of new businesses founded by women in the past year. The collection of gender-related data and the tracking of progress in promoting women's empowerment would contribute to the implementation of the Government's 2020 agenda.

29. **Ms. Gabr** said that the Committee would appreciate details on any measures taken thus far to further encourage rural women to make use of their abilities in managing life in rural areas and in maintaining and revitalizing local communities. Such information was especially important in the light of the downward trend in the number of rural workers and the Committee's development of a general recommendation on rural women. Additional information would also be welcome on any mechanisms in place for the assessment of the implementation of the rules and regulations adopted since 2010 on the situation of rural women; on the reasons for the limited participation of rural women in public life; on the percentages of women who owned farms and who were certified farmers; and on the number of women who were in receipt of interest-free loans.

30. Given the increasingly long life expectancy of women in Japan, it would be useful to have a full account of the poverty rate among heads of household who were elderly women or women who belonged to minority or indigenous groups. The general lack of statistics on women from minority and indigenous groups was unfortunate, as accurate data were very helpful in devising programmes to empower such women. According to alternative sources, of the 14 members of the Council for Ainu Policy Promotion, only one was an Ainu woman; she would welcome more information in that regard. The Government's acceptance in 2016 of foreign domestic workers in order to facilitate women's active role in civil society was a welcome decision. However, it was important to take steps to prevent abuses of the labour rights of foreign domestic workers. In addition to ratifying related ILO conventions, Japan needed to take further steps to protect the human rights of migrant workers and their families.

31. **Ms. Haidar** said that the State party was to be commended for having played a leading role in disaster risk reduction over the past decade and in the work leading up to the adoption of the Sendai Framework for Disaster Risk Reduction 2015-2030.

Although the State party had mainstreamed the gender perspective into its disaster risk reduction policy, the implementation of that policy had been far from ideal. Thus, of those responsible for emergency response at the local level, 25 were men and 2 were women in Iwate Prefecture, 15 were men and 1 was a woman in Miyagi Prefecture and 14 were men and 1 was a woman in Fukushima Prefecture. As there was clearly a gap between policy and practice, she wondered how the Government proposed to address the issue. The situation also reflected more general stereotypes whereby women were deemed incapable of assuming crucial responsibilities in that arena. She would like to know what action had been taken to improve the situation through capacity-building and to address the bottom-up resistance to the implementation of the policy. Women should be included in all stages of risk reduction and prevention activities.

32. **Ms. Takegawa** (Japan), responding to earlier questions about landownership and the unpaid work performed by rural women, said that unfortunately the Government had no quantifiable data on smallholdings, as no surveys on family-run farms had been conducted. However, small-scale farmers were encouraged to enter into family management agreements which covered various aspects of working conditions and remuneration.

33. In the wake of a disaster, the main breadwinner was paid twice as much compensation as other household members, regardless of the breadwinner's sex. Where necessary, loans were granted to enable victims to rebuild their lives. In the area of disaster risk management, the aim was to raise the percentage of women on disaster prevention councils to 30 per cent and to increase the number of women in charge of operating evacuation and temporary shelters. Both men and women should be engaged in managing risk reduction.

34. **Ms. Genka** (Japan) said that pension amounts were determined on the basis of the premiums paid into the social insurance system, although some adjustments could be made in the case of persons who had earned very low wages or had worked for only a short time. There were plans to reduce the qualifying period from 25 years to 10 years for both men and women. The issue of a minimum level of income had to be addressed within the framework of the social security system as a whole.

35. It was incorrect to say that the Government lacked data on the country's minorities. A number of surveys had been carried out on the Ainu by the Government and by the Hokkaido Prefecture. Large-scale surveys of the Buraku had also been conducted. As for persons of Korean origin, the Government could supply the Committee with education and employment statistics.

36. **Ms. Halperin-Kaddari** said that, while the concept of "deferred community property", whereby assets accumulated during marriage were divided equally in the event of divorce, had been developed in the country's case law, it was not established in any specific piece of legislation. She would like to know why that was the case. Clear rules were needed, especially in Japan, where 90 per cent of divorces were concluded by agreement. Wives' financial interests were jeopardized by the fact that property was usually registered in the husband's name and husbands were not required to disclose their financial situation. She would like to know what factors came into play when assets were distributed: were work-related benefits, such as pensions and saving plans, divided equally? Were the career opportunities and earning potential sacrificed by mothers in order to care for their children taken into account? She was concerned that no judicial review of decisions regarding custody or child support was available, particularly in view of the fact that, because most divorces did not involve an agreement on childcare, only 20 per cent of the children of divorced parents received child support. It was therefore no surprise that the poverty rate for households headed by single women was 55 per cent. Lastly, she asked whether

consensual unions were recognized when it came to the payment of social benefits and the division of property and whether the same rules applied to same-sex couples.

37. **The Chair**, speaking as a member of the Committee, asked what the situation of a foreign woman married to a Japanese man was following separation or divorce.

38. **Mr. Otsuka** (Japan) said that, in the event of divorce, the financial situation of the parties was taken into account in dividing up the assets. Where no agreement could be reached, the family courts determined the value of the assets and decided on how they were to be divided. The Legislative Council of the Ministry of Justice had issued a report on the possibility of enacting a law on the matter in 1996, but no legislation had yet been introduced. The Government would keep the situation under review. The imposition of uniform rules, however, came with its own problems. He could confirm that all assets were subject to division, including retirement savings, insurance claims and government pensions. It was important to ensure that single-parent households received sufficient support following divorce. A partial revision of the Civil Code had therefore been conducted in 2011 and, under the revised provisions, the divorcing couple could decide on the level of support to be provided. Moreover, the Ministry of Justice had added an item to its registration procedure whereby parents were required to indicate whether childcare expenses would be shared. A leaflet was being prepared to help divorcing parents understand the system. The Civil Code would also be amended to introduce a financial disclosure procedure.

39. **Mr. Saita** (Japan) said that, if a foreign woman married to a Japanese man had permanent residence status, she retained that status following divorce. If she had a type of visa that was dependent on her marital status but was a victim of domestic violence, due consideration would be given to the case by the Immigration Bureau of the Ministry of Justice. Each case was judged on its merits.

40. **Ms. Halperin-Kaddari** asked the delegation to comment in greater detail on the protection afforded to unmarried couples and same-sex couples. She also wondered whether the Government had considered introducing a system of judicial review of private agreements.

41. **Mr. Otsuka** (Japan) said that the issue of child support was often handled by agreement, but in the case of a dispute, the family courts issued a decision. A study of the possibility of introducing a financial disclosure system had just been initiated. As for the question of the rights of same-sex couples, the Government considered that, in the absence of a marriage contract, careful consideration had to be given to each case on an individual basis. In the case of couples who had been in consensual unions, property accumulated jointly during their time together was divided in accordance with the Family Code.

Tribute to Mr. Boutros Boutros-Ghali

42. **The Chair** said that she had just learned of the death of Mr. Boutros Boutros-Ghali, former Secretary-General of the United Nations. Mr. Boutros-Ghali had always championed human rights, peace and impartiality in the United Nations. To her, personally, he had been a mentor and she had considered him to be like a second father.

43. **Mr. Sugiyama** (Japan) said that he wished to extend the deep condolences of the Government and people of Japan on the occasion of the death of Mr. Boutros-Ghali.

The meeting rose at 5.05 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1377th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 17 February 2016, at 10 a.m.

Chair: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Iceland

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Iceland (CEDAW/C/ISL/7-8; CEDAW/C/ISL/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the delegation of Iceland took places at the Committee table.*

2. **Ms. Gunnarsdóttir** (Iceland), introducing the seventh and eighth periodic reports of Iceland (CEDAW/C/ISL/7-8), said that Iceland had been hit hard by the international financial crisis but economic activity was steadily returning to its pre-crisis level. A welfare system that supported a high degree of participation in the labour market, coupled with occupations requiring a large workforce, had created conditions for high rates of employment for women and men. In fact, women's participation in the workforce was the highest in the Western world and Iceland had topped the Global Gender Gap Index of the World Economic Forum for the seventh year in a row.

3. However, horizontal gender segregation persisted, as was evident in the care and education sectors, where women constituted the vast majority, while men continued to take up traditional occupations in industry, technology and manufacturing. Furthermore, there was a high level of vertical gender segregation, which was reflected in the fact that men held positions of power more often than women. Because of those divides, the economic crisis had led to higher unemployment for men while the rate of employment among women had continued to increase. The gender pay gap had also been reduced and was continuing to narrow.

4. Women's political representation had risen to the highest level in the country's history, with women representing 28 out of the 63 members of parliament. Furthermore, on the occasion of the 100th anniversary of women's suffrage, the parliament had established the Icelandic Equality Fund in order to support projects to enhance gender equality, which would receive ISK 100 million per year for the period 2016-2020.

5. In the years since the Committee's previous concluding observations (CEDAW/C/ISL/CO/6), the Government had made extensive amendments to the human rights provisions of the Constitution, most notably to the principle of equality set forth in article 65, to ensure that men and women had equal rights in every respect. Moreover, an explanatory note on the bill amending the Constitution had made clear reference to international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, as guiding principles on the interpretation of the Constitution. Before an international human rights treaty was ratified, the Government ensured that the national law was adapted to meet the requirements under the treaty in question. Therefore, the courts referred to the relevant national legislation and not directly to the international instruments as such.

6. The Gender Equality Act of 2008, which included a 40 per cent gender quota for government committees and a ban on pay secrecy, had recently been amended in order to bring it more closely into line with a number of European Council gender equality directives on such issues as direct and indirect discrimination and sexual harassment. For example, in 2015, an amendment had been made to the Act to give effect to the Council Directive on the principle of equal treatment between men and women in the access to and supply of goods and services.

7. A biennial Gender Equality Forum had been held in November 2015 to coincide with the International Day for the Elimination of Violence against Women and had focused on the sexualization of women in the media and gender-based hate speech. The Forum would also be providing input for the new gender equality action plan due to be submitted to the parliament some time in 2016.

8. The cap on the monthly payments to parents under the Maternity, Paternity and Parental Leave Act of 2000 had been significantly reduced as a result of the economic crisis. As a consequence of the ensuing budget cuts, men had become less likely than women to avail themselves of parental leave. A committee had been established to explore ways of restoring the Act's principal objective of promoting joint parental leave and was due to present its findings towards the end of 2016.

9. Efforts to combat gender-based violence and change societal attitudes were ongoing and included the signing of a joint declaration by the Ministry of Social Affairs and Housing, the Ministry of the Interior and the Ministry of Education, Culture and Science on collaboration to fight violence and its damaging consequences. The police had new powers to remove perpetrators of domestic violence from the home and issue restraining orders, and a project called "Keeping the Window Open" had enabled cross-sectoral cooperation between the police and social services. The project aimed to improve the first response of the police and the quality of investigations, prevent recidivism and provide better support to victims and perpetrators. A bill on ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was also in the pipeline along with proposals to amend the General Penal Code to include a special provision on domestic violence.

10. A plan of action on human trafficking had been carried out in the period 2013-2016 with an emphasis on awareness-raising to help identify victims of trafficking. A new national prosecution authority had been introduced that would be in charge of the prosecution of cases in district courts, including cases involving sexual offences. That meant that decisions to drop cases or discontinue prosecution could be appealed against to the Directorate of Public Prosecutions. A consultative process had been initiated in 2010 by the Minister of the Interior on the handling of and legal framework for rape cases, which had resulted in two reports, in 2013 and 2015, that had found that 98 per cent of victims were women or girls and that 40 per cent were under 18 and had shown that there was room for improvement in handling such cases. A committee of the Ministry had been set up to consider the proposals put forward in those reports.

11. Several projects had been initiated to promote gender equality in education, science and culture, including a project to increase the participation of girls in student government and other social activities in their schools. Feminist societies had been established in many schools and universities, and a quota system had been introduced to remedy the gender imbalance on the school teams competing in the popular television quiz show *Guess Again*.

12. Turning to gender equality in employment, she said that employers were prohibited from discriminating against employees on any grounds. They were also required to work towards full gender equality in the workplace and to increase the proportion of women in positions of power. The equal pay standard and equal pay system certification that had been introduced in recent years was based on international standards and was an unprecedented and pioneering step in the sphere of gender equality. Furthermore, since research had shown that the gender pay gap was reinforced by gender segregation within the labour market, an action plan aimed at putting an end to such gender divisions was being prepared.

13. While much progress had been made in Iceland with regard to gender equality, many challenges still remained. More needed to be done to achieve an even greater balance between men and women in positions of power, secure equality in the labour market, continue gender mainstreaming efforts and eliminate gender-based violence.

14. Her Government strongly supported Security Council resolution 1325 (2000) on women, peace and security, and promoting gender equality was a priority area of development cooperation provided by her Government, with UN-Women as a key partner. Lastly, an international centre for gender research and education had been established at the University of Iceland, which, in 2013, had become part of the United Nations University gender equality studies and training programme.

Articles 1 to 6

15. **Ms. Schulz** said that the State party was to be commended on the important amendments made to the Gender Equality Act; the progress achieved in spite of the deep financial crisis of 2008; the active role played by the country to promote gender equality among the Nordic countries and internationally; and the clear commitment shown to ensuring gender equality in all fields. However, she failed to understand why, some 31 years since it had been ratified, the Convention had still not been fully incorporated into domestic law, preventing it from being used as the basis for legal complaints and from becoming more widely known. She asked whether there were plans to remedy the situation in order to give due recognition to the Convention and provide women with the right to invoke its provisions before the courts and, if so, what time frame had been envisaged for doing so. It would also be interesting to know whether the Government intended to incorporate all human rights treaties to which it was party into its domestic legal framework.

16. She asked whether Iceland, as a member of the European Economic Area, would be implementing Council directives, thereby expanding the scope of its existing anti-discrimination legislation to include all grounds for discrimination and to prohibit discrimination in all fields, such as employment, social protection and access to services.

17. Regarding access to justice, she wondered why, in the eight years since the country's previous periodic report, just three gender equality cases had been adjudicated by the Supreme Court. That, coupled with similarly low number of complaints considered by the Gender Equality Complaints Committee, might be indicative of a broader gender bias within the legal system or a general lack of public awareness about those legal options. An explanation for, and the root causes of, those worryingly low figures should be provided.

18. Lastly, she would appreciate an update on whether there were plans to establish a national human rights institution with a broad mandate that would include gender equality and multiple discrimination issues, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

19. **Ms. Gunnarsdóttir** (Iceland) said that the dualist system in Iceland had been discussed with the Committee previously and nothing further could be added. While the Convention was indirectly rather than directly incorporated into the domestic legal system, the Convention itself was fairly widely known. There was a healthy and lively debate on gender equality and women's empowerment in Iceland, particularly among the younger generations who were very active on such issues.

20. **Ms. Erlingsdóttir** (Iceland) said that European Council Directive 2004/113/EC of 13 December 2004, implementing the principle of equal treatment between men and

women in the access to and supply of goods and services, had been brought before the parliament in 2014 and that another four directives would be submitted in spring 2016.

21. The creation of a national human rights institution was under active consideration by the Ministry of Interior, which had been assessing existing organizations with the capacity to assume the role. The Government was not currently in a position to provide a timeline for the establishment of an institution, a process that had been delayed by the recent financial crisis.

22. **Mr. Bruun** said that, although Iceland adopted a dualist approach to international law, it had made exceptions, for example with the European Convention on Human Rights, and that another Nordic country with a dualist system, Norway, had incorporated the Convention on the Elimination of All Forms of Discrimination against Women into domestic law. The incorporation of the Convention by Iceland was therefore not an impossible ideal.

23. Noting that not a single communication had been submitted to the Committee by an Icelandic citizen under the Optional Protocol, he asked what steps had been taken to raise awareness of the remedy among judges and lawyers.

24. **Ms. Schulz** said that she had not heard a reply to her question on access to justice and asked whether, in the delegation's view, the introduction of comprehensive anti-discrimination legislation by the Government was likely. Given that both the European Convention on Human Rights and the Convention on the Rights of the Child had been incorporated into domestic law, the State party appeared to have created a hierarchy of rights.

25. **Ms. Gunnarsdóttir** (Iceland) said that she could not, under any circumstances, accept the suggestion that such a hierarchy had been established. The incorporation of the Convention on the Rights of the Child did not mean that other international treaties would or should be dealt with in the same way. The Committee's comments had been noted and would be passed on to the relevant authorities.

26. **Ms. Erlingsdóttir** (Iceland) said that the Government hoped to enact comprehensive anti-discrimination legislation and to establish a human rights institution with a central office in Reykjavik and branches in some of the larger municipalities. A three-person Gender Equality Complaints Committee had been set up to enhance women's access to justice. It was true, however, that the Committee handled few cases, which showed that a rethink of the system was required.

27. **The Chair** said that she would appreciate clarification on the reasons for the delay in approving a new four-year gender equality action plan, with the previous one having expired at the end of 2014. She invited the delegation to respond to reports that no further gender equality projects were being conceived and that some existing projects lacked sufficient funding. It would be helpful to know the extent to which the new plan would cover the costs of those projects. The delegation should also state whether the Government intended to improve the geographical accessibility of the Centre for Gender Equality, which was located outside Reykjavik, and to expand the range of services that the Centre provided.

28. **Ms. Acosta Vargas**, noting that, in article 2 of the Gender Equality Act, as amended in 2014, special measures had been defined as measures intended to improve the situation of women or to enhance the possibilities of women or men of acquiring gender equality in areas where it was lacking, said that a gender-neutral definition was arguably unnecessary, as such measures did not discriminate against men, and potentially counterproductive. She wished to know whether the Government planned to implement temporary special measures in job sectors where women were underrepresented, such as law enforcement.

29. The delegation should respond to reports that the board of appointment for Supreme Court justices was composed solely of men and had recommended the appointment of a man despite a significant gender imbalance among judges. It should also describe the follow-up given to paragraph 26 of the previous concluding observations, in which the Committee had urged the State party to strengthen its efforts to increase the number of women in high-ranking posts, particularly in academia.

30. Lastly, she asked whether the Government believed that the temporary special measures that it had adopted were effective and whether it had set gender equality objectives in the film, music and other creative industries.

31. **Ms. Erlingsdóttir** (Iceland) said that domestic legislation provided that progressive measures should be taken to improve the position of women in society. A new four-year gender equality action plan had been drafted but had not yet been submitted to the parliament, as the minister responsible for doing so had decided to await the outcome of evaluations of the previous plan and the completion of two studies into gender equality in the labour market. Many of the major projects launched under the previous plan were ongoing and the necessary funding had been secured, but it was true that no additional projects were envisaged.

32. At the Gender Equality Forum held in November 2015, consideration had been given to Norwegian professor Mari Teigen's research into what she called the gender equality paradox, whereby gender-segregated labour markets persisted in Nordic countries despite high labour market participation by both men and women. She argued that one of the underlying factors was an excessive focus on enabling mothers to work rather than on helping both parents to be active in the labour market. The Government hoped to reflect her findings in the new action plan, which would cover the period from 2016 to 2019, and to incorporate other input that had been provided at the Forum.

33. The use of gender-neutral definitions had been debated in the parliament and opposed by several feminist scholars and policymakers. She herself had been critical of such language but felt that it was needed to tackle segregation in the labour market, where temporary special measures had been introduced in favour of men as well as women. Men had, for example, been encouraged to enrol in teacher training courses to address the fact that posts in kindergartens and preschools were held predominantly by women.

34. Most of the temporary special measures implemented by the Government had proved highly effective and the public perception of them had changed markedly as they had begun to bear fruit. In 2010, the Public Limited Companies Act and the Private Limited Companies Act had been amended to include provisions on gender quotas for boards of directors and management. The Government produced an annual report on compliance with the quotas, which it monitored closely and took very seriously.

35. Following the most recent Gender Equality Forum, the Ministry of Education, Culture and Science had looked into establishing gender quotas in the film and music industries. As in other Nordic countries, the majority of women film-makers received little or no financial support, but there was a strong political will to rectify the situation.

36. **Ms. Bolladóttir** (Iceland) said that, in late 2015, the Ministry of Interior had requested all police commissioners to draw up an action plan to increase the number of women officers. Police academies were working actively to raise the quality of the education that they provided and to make it more appealing to women, including by

offering a course on gender mainstreaming, which would be taught for the first time in March 2016.

37. Research carried out in 2014 had concluded that there were high rates of discrimination, sexual violence and bullying within the police force. Consequently, an expert panel had been set up to examine cases, a course had been organized to raise awareness of the issue among police chiefs, anti-bullying guidelines had been issued, posters had been put up in police stations, a new code of police ethics had been published on 1 February 2016 and several lectures had been delivered on bullying and effective communication.

38. **Ms. Erlingsdóttir** (Iceland) said that the Minister of the Interior and the head of the Parliamentary General Committee, who were both women lawyers, had stated that the composition of the Supreme Court was unacceptable. A legislative proposal had been formulated stipulating that members of the board of appointment, which currently comprised only men, should appoint an equal number of men and women unless there were objective grounds for not doing so, in which case they should make their reasoning clear. The proposal had been published on the website of the Ministry of the Interior and was open to comments and observations.

39. **Ms. Arocha Domínguez** said that the report was all but silent on the prevalence of gender stereotyping in Icelandic society and on the State party's efforts to eliminate that phenomenon, which made it difficult for the Committee to determine whether article 5 of the Convention was being implemented effectively. She would appreciate additional information on the measures taken by the State party to empower Icelandic women and to remove obstacles to their advancement. She would be interested in hearing more about the nature of the cooperation between civil society and the Government, particularly in respect of the elimination of gender stereotypes. She also wished to know whether civil society was involved in implementing the Committee's concluding observations and in preparing the country's periodic reports and whether the Government planned to increase funding to civil society organizations in the future.

40. **Ms. Hofmeister** said that she would welcome more information on the obstacles preventing the adoption of a new plan to combat domestic and sexual violence; the reasons for the low rate of conviction of perpetrators of acts of sexual violence, including rape; the support services available to rape victims under the age of 18 and to victims living in rural or remote areas of the country; and the police's approach to dealing with rape. She asked whether budgetary resources were allocated to training activities for police officers, prosecutors, judges and other professionals working with the victims of domestic and sexual violence. Noting that the country's only shelter for women was located in Reykjavik and that it was not accessible to women with disabilities, she asked how the State party planned to remedy that situation.

41. **Ms. Leinarte** said she wished to commend the State party on having brought the definition of human trafficking contained in the Criminal Code into line with that of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), and on having increased the maximum prison term for human trafficking from 8 to 12 years. However, Iceland remained a destination and transit country for human trafficking for the purposes of sexual exploitation, forced labour, domestic servitude and forced marriage, with human traffickers often exploiting the visa-free regime of the Schengen Area to move victims to and from Iceland. Noting that the plan of action to combat human trafficking for the period 2013-2016 was centred on prevention and awareness-raising, she asked whether the plan guaranteed the availability of shelters and adequate support for victims of human trafficking; why the rate of conviction of human traffickers was

so low; and whether more data on victims of trafficking, disaggregated by gender, age and nationality, could be made available to the Committee. She also wished to have details of the findings of the special police research team tasked with examining the issue of organized crime and its connection to prostitution and human trafficking. The Committee had received reports that, despite the State party's efforts to reduce the demand for prostitution and the prevalence of human trafficking by criminalizing the purchase of sex, there had been an increase in prostitution in 2015. She would be grateful if the delegation could comment on those reports and on the overall effectiveness of the so-called Swedish model for dealing with prostitution, whereby only the purchase but not the sale of sex was criminalized. Lastly, she asked whether it was common practice for the Icelandic courts to preserve the anonymity of individuals convicted of having purchased sex.

42. **Ms. Bolladóttir** (Iceland) said that the Government had adopted a more holistic approach to combating violence and now placed a greater emphasis on education and awareness-raising activities. The outcome of consultations held with various professionals and non-governmental organizations (NGOs) would form the basis of a new four-year plan to combat violence. The Government had also canvassed the opinion of young people and minority groups, such as immigrants, to ensure that the plan was tailored as closely as possible to the needs of all segments of Icelandic society.

43. In 2010, the Ministry of the Interior had initiated a consultation process to discuss the issue of sexual violence and the judiciary's handling of rape cases. As part of that process, several meetings had taken place with members of the judiciary, which had led to the commissioning of a special research team to draft a series of reports on the judiciary's current approach to dealing with that crime. The reports had revealed that many women were reluctant to report rape and to press charges against the perpetrator; that investigations were not always conducted efficiently; and that the relevant laws were often difficult to apply in practice owing to the requirement of proof. There was also a need to provide police officers working with rape victims with additional training and to assign victims legal counsel sooner. The Ministry of the Interior had set up a working group to examine all the proposals and recommendations contained in the reports with a view to improving the procedures for handling such cases. Previously, the Directorate of Public Prosecutions had been the sole authority competent to deal with cases involving sexual violence. Once it had dismissed a case, the case in question could not be referred to a second authority for re-examination. That problem had been obviated by establishing a second national prosecution authority. The Directorate could now hear appeals against decisions to drop a case. It was hoped that such a step would lead to an increase in convictions for sexual violence.

44. While it was true that there was only one shelter for women in the country, the adoption of the "Austrian model", whereby the police had been granted the authority to impose exclusion orders on and to remove suspected perpetrators of domestic violence from the family home, would reduce the need for such shelters. Furthermore, given that the population was concentrated around the capital and in the north of the country, it would not be logical or practical to construct shelters in rural areas, especially since the perpetrator of the abuse would continue to live in close proximity to the victim. The services available to victims of sexual abuse included emergency care units and specially trained psychologists who could also treat women who had suffered sexual abuse in the past. The Government also provided funding to NGOs assisting female victims of violence. Two short films illustrating the procedures for dealing with cases of sexual violence involving children had also been made.

45. Despite the Criminal Code having been amended in 2009 to criminalize the purchase of sex, very few cases had been brought before the courts. It was not common practice for the Icelandic courts to preserve the anonymity of an individual convicted of having purchased sex. The ruling handed down by the judge in the case cited by the Committee had attracted considerable criticism and was not the norm. In 2010, nine individuals had been convicted of having purchased sex while two had been acquitted. Profiting from prostitution remained illegal and could carry a prison sentence. Since 2015, 37 cases of human trafficking had been reported to the Icelandic authorities, 3 of which had been brought before the courts, resulting in 1 conviction. The massive growth in the Icelandic tourism industry was the likely cause of the increased prevalence of prostitution in the country. Between 2011 and 2014, the authorities had identified 30 women known to be prostitutes, half of whom were foreign nationals. In Iceland, the general consensus was that the Swedish model for dealing with prostitution was the most effective.

46. **Ms. Gunnarsdóttir** (Iceland) said that the Swedish model for dealing with prostitution had been effective, as it had reduced the overall demand for such sex services. In cooperation with the Icelandic Red Cross, the Government planned to set up a helpline and to improve support services for victims of human trafficking; to provide special training on dealing with victims to professionals working in the criminal justice system; to raise public awareness of human trafficking; and to review the police guidelines on dealing with that phenomenon. There were also plans to hold a round table on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, to which all relevant stakeholders would be invited. Traditionally, the Government met with representatives of civil society and NGOs prior to each session of the Commission on the Status of Women and ensured that they were represented on the Icelandic panel.

47. **Ms. Erlingsdóttir** (Iceland) said that the onset of the global financial crisis had led the Government to cut funding to women's organizations but that the funding had since been restored. The Government had funded the participation of such organizations in the 2014 Nordiskt Forum in Malmö. The Gender Equality Council provided a forum in which the Government could collaborate with NGOs. The Council was made up of 11 members, 10 of whom were nominated by the social partners, including women's and civil society organizations. The members of the Council provided input into the Government's various gender programmes and helped with the preparations for the country's biennial gender equality forum.

48. The Government continued to view the high prevalence of gender stereotypes in Icelandic society as a cause for concern. A survey had shown that young people in the 8 to 16 age group held the most conservative and negative views on the role of women in society. However, there was also evidence to suggest that those attitudes could change over time with exposure to information campaigns. The gender equality expert attached to the Ministry of Education, Science and Culture had overseen the preparation of a special curriculum intended to promote gender equality, which was to be taught in every school in Iceland. The Government was aware that, if left unchecked, negative stereotypes could lead to gender-based violence and hate speech and so was working with the Icelandic media to curb that phenomenon. Furthermore, research conducted by the Government suggested that the increased involvement of men in child-rearing and domestic tasks was essential for securing women's advancement in society.

49. **Ms. Hofmeister** said that it would be helpful to have additional information on the steps taken by the police to enforce the legislation to combat domestic violence.

50. **Ms. Halperin-Kaddari** said that clarification was needed on the impact of the "Keeping the Window Open" project on female victims of domestic violence. Had the

project encouraged more women who had suffered domestic violence to come forward? Were there linkages between that project and the Exclusion Orders and Ejections Act, No. 85/2011, which gave the police the power to impose residence exclusion orders on and to remove suspected perpetrators of domestic violence from the family home? Had the Government faced a backlash from men who felt that there was potential for the abuse of that power?

51. **Ms. Bolladóttir** (Iceland) said that, in recent years, a number of changes had been made in the way domestic violence was dealt with in Iceland. Those changes had been prompted by the findings of a study conducted by the Ministry of Welfare starting in 2008, which had revealed that a staggering 42 per cent of women in Iceland over the age of 16 had been subjected to some form of domestic violence. Among the changes that had had the most significant impact was the replacement of the Restraining Order Act, No. 122/2008, with the Exclusion Orders and Ejections Act. Whereas the older legislation had required restraining orders to be processed through the courts, which could take up to three days, the new legislation authorized the police to remove the alleged offender from the victim's residence. However, the police were required to have first exhausted all other less coercive measures; when they did apply residence exclusion and eviction measures, they had to obtain court confirmation of those measures within three days. No criticism had been levelled against the police for misusing their prerogative; however, the courts had received some criticism for what was perceived to be their reluctance to confirm certain of the protective measures initiated by the police.

52. The "Keeping the Window Open" pilot project, which involved the local police and social services, had been introduced in the Sudurnes region because it had registered a higher than average rate of domestic violence. The aims of the project had been to improve the first-response capability of the police, register domestic violence cases as such, and in so doing improve the accuracy of statistics on domestic violence, and bring public attention to the problem. The project had won a prize for innovation in public administration, achieving its results without resorting to any additional funding or staff, relying instead on improving cooperation between the police and social services, adapting working methods, changing attitudes and providing follow-up support to the parties involved. That had resulted in more cases being reported, more perpetrators being brought to justice and more convictions being handed down. The same method had been adopted by the Metropolitan Police.

53. In conjunction with the project, a variety of public information and awareness-raising activities on domestic violence had been organized, including professional workshops for police and social services staff, public town halls, booklets for new parents and the publication of an information brochure in Icelandic, English and Polish that had been distributed to all households in the area covered by the project. The brochure provided definitions of various types of domestic violence, highlighted relevant legal provisions and provided contact information for institutions offering assistance to victims. Consideration was currently being given to disseminating the brochure at the national level. In addition, the National Police Commissioner had issued new police procedures for domestic violence cases, adopted a new risk assessment tool and set up a treatment programme for male perpetrators. The programme would soon begin offering similar treatment for female perpetrators. In 2015, 700 interviews had been conducted as part of the programme.

54. Owing to its success, the multidisciplinary approach to domestic violence was being considered for adoption throughout the country. In furtherance of that objective, the Ministry of Social Affairs and Housing had established a team on domestic violence that travelled around the country to provide education, exchange experiences and promote the multidisciplinary approach.

Articles 7 to 9

55. **Ms. Hofmeister** said that the main goal of the Convention was for States parties to achieve de facto equality between men and women and to create a reality that was free from stereotypes. To achieve such equality, parity between women and men in all positions of public and political life should be the final step of gender equality advancement in Iceland. Women were extremely underrepresented in the judiciary and among the police, and only 25 per cent of diplomats and district commissioners were women. She asked what steps the Government envisaged taking in order to achieve such equality as rapidly as possible. She would appreciate additional information concerning the relationship between the advancement of women on the one hand and gender-responsive budgeting and gender mainstreaming on the other. She wished to know what results women had obtained in the most recent local and national elections.

56. **Ms. Erlingsdóttir** (Iceland) said that women in Iceland were approaching the achievement of gender parity in both national and local political decision-making bodies. Their representation in the parliament currently stood at 44 per cent; in local government it stood at nearly 42 per cent. Regrettably, only 30 per cent of the directors of government agencies were women, and that was admittedly an area in which greater efforts were needed.

57. Improving women's representation in local government had been more difficult to achieve in the areas outside the capital and the Sudurnes region. Research carried out prior to the 2014 election showed that not only were there fewer women than men on candidate lists in rural areas, but women tended to serve on municipal councils for no more than one term. In their responses, women had indicated that they found it difficult to combine political work with the traditional gender roles that prevailed in rural societies, where husbands often worked far away from home in construction or fishing and women attended to home and family. Another factor was that both women and men who served on municipal councils in rural areas were poorly paid. It was important for women to continue increasing their representation in public decision-making positions in order for such representation to be perceived as normal.

58. **Ms. Gunnarsdóttir** (Iceland) said that diplomats in the Icelandic Foreign Service were divided into four categories. In order of the highest to the lowest categories, women accounted for 29 per cent of all ambassadors, 8 per cent of all minister counsellors, 41 per cent of all counsellors and 52 per cent of all secretaries. The statistics on gender equality for the category of ambassador had improved slightly in relation to previous years, given that some male ambassadors had retired and some female ambassadors had taken their places. The figure for the minister counsellor category, which reflected the greatest imbalance, might be explained by the fact that the Ministry of Foreign Affairs had for many years not applied the formal procedure of calling for candidates. The figure for the counsellor category was a reflection of the fact that, starting in 2016, the Icelandic International Development Agency had been merged with the Icelandic Foreign Service, which had had the effect of worsening the gender balance, as the majority of the Agency's employees were male and possessed the rank of counsellor. The figures for the lowest category, that of secretary, were somewhat skewed in that the Government had stopped hiring public officials for that category for the past several years. Despite the progress made in women's representation in public decision-making positions, there was still much work to be done in that regard. Nevertheless, there was strong political will for continuing to strive towards gender balance in the future.

Articles 10 to 14

59. **Ms. Nadaraia** said that she welcomed the inclusion of gender equality as a compulsory component of national academic curricula. Regrettably, however, gender segregation appeared to remain a problem in the labour market and in the educational choices of female students, who still tended to choose traditionally female professions. There also appeared to be a lack of progress in sports, where female students were underrepresented in school sporting activities, and their overall advancement in sports seemed to be limited. In addition, textbooks still needed to be changed and curricula amended in order to reflect women's place in history. She would appreciate knowing what plans and strategies the Government had developed in order to address those gaps.

60. **Mr. Bruun** commended the State party for the socially balanced and gender-sensitive approach it had taken to confronting its national banking and financial crisis. He nevertheless had a number of concerns regarding the relatively high gender pay gap in Iceland and the prevalence of part-time work among women. He asked whether any study had been conducted to determine to what extent such part-time work was voluntary and what impact it had on pension and social security schemes.

61. Although he welcomed the recent amendment of the Act on Equal Status and Equal Rights of Women, article 19 of the Act still contained an important qualification, in that it provided that women and men who worked for the same employer were to be paid equal wages and enjoy equal terms of employment for the same job or jobs of equal value. The Convention did not recognize such a condition as having the "same employer". In fact, an employer who hired only women for certain tasks and paid them lower wages than the applicable standard, even if he or she had not hired any men to perform the same job, could be accused of discrimination. The issuance of equal pay certificates, as a means of combating wage inequality, appeared to be subject to the "same employer" proviso as well. Such a restriction was particularly problematic, as the Icelandic labour market was distinguished by a high level of both horizontal and vertical gender segregation. He urged the State party to reconsider the methods it used to close the gender pay gap and asked what plans it had to delete the offending restriction in article 19 of the Act so as to fulfil its obligations under the Convention.

62. While he commended the State party for awarding fathers one of the most generous amounts of parental leave in the world, he was nevertheless concerned about the long-term sustainability of that benefit, owing to budget constraints and about the apparent difficulties women faced in obtaining childcare for children between the ages of 9 and 24 months. He asked what measures the Government planned to take in order to address those problems.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1378th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 17 February 2016, at 3 p.m.

Chair: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Iceland (continued)

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Iceland (continued) (CEDAW/C/ISL/7-8; CEDAW/C/ISL/Q/7-8 and Add. 1)

1. *At the invitation of the Chair, the delegation of Iceland took places at the Committee table.*

2. **The Chair** invited the delegation of Iceland to continue with their replies to questions put by Committee members at the previous meeting.

Articles 10 to 14 (continued)

3. **Ms. Erlingsdóttir** (Iceland) said that one of the tasks assigned to the Action Group on Equal Pay was to submit to the Ministry of Education, Science and Culture recommendations for a long-term policy to tackle gender segregation in education. While an increasing number of women were pursuing traditionally male-dominated careers, the same trend was not true for men and traditionally female-dominated careers, such as nursing and teaching. True progress would be achieved once gender segregation was eliminated in all sectors. Universities had adopted measures to encourage women to enrol in programming and other technical subjects and, since 2012, the Action Group had been working with social partners to increase women's involvement in the private sector, including in construction and industry.

4. The Ministry's mandate to monitor compliance with gender equality also covered sport. The media played a crucial role in that regard. In the lead-up to the 2015 Gender Equality Forum, a survey had been conducted on the percentage of women and men interviewed in the public and private news media; the results — approximately 30 per cent women against 70 per cent men — had prompted extensive public discussion. The public media had immediately undertaken efforts to remedy the situation and were monitoring their numbers themselves. Similar surveys were now conducted yearly. The results of the survey regarding sport media broadcasting had been even more alarming: 20 per cent women against 80 per cent men were interviewed on average. To deal with this discrepancy, a section on sport and the media would be included in the new gender equality action plan; one proposal under that section called for instituting a woman-of-the-year award. Textbooks would also need to be modified.

5. In the aftermath of the 2008 economic crisis, anti-Government protests had erupted throughout Iceland; people had expressed the desire to see a new society, based on fair values and greater democracy. Further, in the wake of the bank collapse, those female heads of banks who had once been criticized for being risk-averse were now praised for being risk-aware. The first left-wing Government in Iceland, led by a woman, had also been the first to introduce gender quotas. Unemployment among women had not been as high as feared during the recession because the male-dominated sectors had been hardest hit. The public sector, which accounted for the majority of female workers, had scarcely been affected. Even though cuts had subsequently been imposed in the public sector, a spike in tourism had simultaneously occurred, thus buffering the shock. Overall, there had been no significant change to the situation of men and women in the labour market, despite the crisis. The percentage of women had remained roughly the same since 2008, at around 48 per cent.

6. The majority of the population was employed full-time. A higher proportion of women (about one-third) worked part-time jobs, the figure for men being 13.5 per cent. When asked why they worked part-time, 30 per cent of women, and not a single

man, had mentioned family responsibilities. Such a discrepancy in the answers pointed to significant gender imbalance and underlying inequalities. Overall, women were more likely to be responsible for childcare and elderly care; to take parental leave; to do unpaid labour; to suffer in terms of career development; to earn less than men over their working life; and, as a result, to rely to a greater extent on welfare. The Government was currently discussing the need to reduce the number of women employed part-time, not just because of the implied costs for society, but because women should have greater freedom to choose their type of employment. The Welfare Watch project, part of which focused on gender equality, had revealed that 70 per cent of those living in poverty or near the borderline were women; elderly women in particular were at risk. Among the younger population living in poverty, the majority were single mothers (who themselves made up 90 per cent of single parents).

7. The Action Group on Equal Pay, whose mandate had been extended to 2016, included representatives of four national federations of wage earners and their negotiation partners; it was important to note that the Action Group's work was financed under the Gender Equality Action Plan. During the period 2008-2013, the overall wage gap was just over 7 per cent, with a slightly more significant gap in the private sector. The wage differential could be largely attributed to the gender divide in the labour market. Efforts to chart out the positions of the sexes in the labour market and subsequently to make proposals for achieving greater gender equality in employment had delayed adoption of the Gender Equality Action Plan; however, it was important to ensure that such proposals were included in the Action Plan to ensure funding. One positive trend was that the public sector was increasingly recruiting women into managerial positions. In addition, perhaps as a result of companies' encouragement of both men and women to take parental leave, the division of household chores was now more evenly split between the sexes.

8. The equal pay standard, which had been developed in broad cooperation with the social partners, was just one project among many management standards. While it represented a milestone in terms of international standards, it alone would not eradicate the gender pay gap, even if applied without exception. The structure of and access to the labour market would continue to be an obstacle to complete gender equality. It was therefore of the utmost importance to develop a long-term plan, of which the equal pay standard would be one element.

9. A pilot project related to the equal pay standard had been set up to introduce the standard to the largest number of potential users; it would come to an end in the spring of 2016. A series of awareness-raising measures had been carried out, including special courses and seminars for human resource managers and certification bodies. It was important to make the standard attractive if it was to be implemented. Indeed, although many businesses had attended the seminars offered, the lack of resources was often cited as a concern in the future implementation of the standard. It was hoped that the standard would enjoy widespread use.

10. Parental leave was financed by an insurance levy in Iceland; it was therefore not possible to change the legislation that had imposed cuts on disbursements without engaging in new consultations with the relevant stakeholders. However, a committee comprising ministerial and social partner representatives had been working on measures to improve the parental leave mechanism. Thus far, it had been agreed that the period of leave should be increased from 9 to 12 months, and that a higher ceiling and a minimum rate of disbursements should be adopted. According to research, not just men in higher positions with higher salaries, but men at all income levels were refusing the leave, as were women, as they felt they could not afford to give up the income. They were also turning to alternative, private solutions to cover the care of their children between the period of parental leave and enrolment in nursery school.

11. **Ms. Bolladóttir** (Iceland) said that there were two options for children aged between 9 months and 2 years: either they could go to "play schools" regulated by the Ministry of Education, Science and Culture, mostly at the parents' cost but also with funding from the municipalities, or they could be left with "day parents", private people who obtained a licence from the municipality and cared for four or five children. The latter option was useful, in that it allowed children to stay in a home environment, but not all areas had day parents and parents were left with few or no options. Moreover, day parents were not monitored sufficiently and some people considered that the system was not in line with modern ideas about the care of very young children. The Ministry of Education, Science and Culture had put forward the possibility of providing play schools straight after the end of the period of parental leave and a survey of parents had shown that they supported that suggestion. On the other hand, play schools were more expensive for municipalities. Negotiations to increase the number of play schools would take time. Meanwhile, the Ministry of Social Affairs and Housing had just set up a committee, of which she was the Chair, to oversee the work of day parents. The committee looked forward to modernizing the system and making it safer.

12. **Ms. Arocha Domínguez**, addressing issues under article 12 of the Convention, said that, while the Committee commended the high standard of living achieved in Iceland, it had expressed concern following the previous report about a number of aspects of mental health, which were not all covered in the combined seventh and eighth periodic reports. The Committee had drawn the State party's attention to the problems of addiction, mental health and suicide, but the report mentioned only smoking. There was no indication of the impact of smoking, which remained at a high level, on the health of both women and men. She would appreciate further information about suicide and about mental health, in particular. She wondered whether the Government had adopted a gender-based approach in that regard. She further inquired whether the HIV infection rate had increased since screening had been introduced. It was a matter of concern that the infection rate was the highest outside sub-Saharan Africa and the Caribbean and she wondered why that was so. She asked how HIV was most commonly transmitted and whether it was vertically transmitted from mother to child. The high abortion rate, particularly among girls under 16 years of age, was also a matter of concern. The State party made much of the availability of sex education, contraceptives and support services, yet that raised the question of why abortions occurred in such numbers. Was it due to irresponsible behaviour on the part of young people? It was also surprising that a health worker or social worker had to give authorization for an abortion, even though abortion had been a right for the past 40 years. It was reported that people felt humiliated to be required to account for their conduct.

13. **Ms. Bolladóttir** (Iceland) said that the requirement of authorization by a social worker was a relic of old legislation. The original focus of the requirement had been to offer counselling, but the Ministry of Health intended to appoint a committee to look into the matter. As for the questions about mental health and HIV, Iceland would provide a response in writing.

14. **Ms. Pomeranzi**, addressing issues under articles 13 and 14 of the Convention, said that she wished to commend the State party's achievements with regard to women's economic participation. For the past seven years it had headed the Global Gender Gap Index. Behind every statistic was a complex social reality, however. For example, the gender quotas given in article 18 of the Act on Equal Status and Equal Rights of Women and Men currently applied only to the boards of companies with 50 or more employees. That figure should be reduced to the boards of medium-sized companies, which were responsible for 80 per cent of the country's production.

15. In 2015, the Icelandic Film Centre had been publicly criticized for the low funding allocated to films by women. Only 13 per cent of films had been made by women since 2012. A similar point could be made about pop music: men made up the majority of the boards of the regulatory bodies of pop music and men were the principal organizers of Icelandic music festivals. She asked whether the Government had any plans to review regulations on government-funded boards to ensure that public funds were equally divided between men and women.

16. **Ms. Ameline** said that the State party was to be commended for its efforts to fight for gender equality within the Conference of Parties to the United Nations Framework Convention on Climate Change (COP21). She wondered how it could be ensured that women were at the cutting edge of the development of work on climate change and other areas, such as artificial intelligence and the digital society.

17. **Ms. Hofmeister** asked whether the State party planned to improve infrastructure in rural areas. It was often difficult for single mothers to get children to school by car, owing to difficult weather conditions. She also asked whether, in view of intersectional and multiple discrimination that they might face, women with disabilities had access to the labour market. She further asked whether women asylum seekers with special grounds for asylum were entitled to permanent work and residence permits. Lastly, she asked whether female prisoners could undertake work in and out of prison.

18. **Ms. Gunnarsdóttir** (Iceland) said that a draft action plan on gender equality to be submitted to the parliament by the Minister of Social Affairs and Housing in the spring contained three chapters: on the role of men; on gender equality and the Arctic; and on gender equality and climate change. One problem was the amount of money needed to fight climate change; because the energy industry was male-dominated, so was the battle against climate change and for that reason it was difficult to ensure a better gender balance. It was therefore important that gender equality should be mainstreamed in the 2030 Agenda for Sustainable Development. Under the leadership of the Minister for Foreign Affairs, Iceland had held a so-called Barbershop Conference in New York, at which 100 ambassadors had discussed the role of men and boys in gender equality. The conference had had no agenda or written statements but consisted of a general discussion on how men could contribute to gender equality. A similar meeting had been held at the International Renewable Energy Agency in Abu Dhabi and meetings would also be held at the headquarters of the North Atlantic Treaty Organization (NATO) and at the Palais des Nations in Geneva.

19. **Ms. Erlingsdóttir** (Iceland) said that, although it was true that only 13 per cent of full-length films were made by women, women were getting more funding for documentary films and scriptwriting. Nonetheless, the Minister of Education, Science and Culture had said that the figures were unacceptable. To redress the balance, the Minister had established a committee to make proposals to improve the situation. One suggestion had been to bring in experts from outside Iceland to provide a neutral view of funding decisions. The Swedish film maker Anna Serner had spoken to a gender equality forum in Iceland about how she had managed to turn the situation around in Sweden by persuading all the parties concerned to improve the gender balance of funding without the imposition of quotas. With regard to the situation in the world of pop music, she had no information and would provide it in writing.

20. **Ms. Bolladóttir** (Iceland) said that, under Icelandic law, persons with disabilities must be provided with living conditions similar to those of other people, including access to the labour market. The Directorate of Labour had taken strong action in that regard, including the launch of a campaign that could be translated as "All the Talents". As for the question of women in remote areas who had a problem getting their children to school, she said that all women in Iceland faced the same problem. If

a child lived more than a kilometre from school, a bus was provided. Social services sometimes helped single mothers, but such issues were mostly resolved on a community basis. With regard to the question of women's work in the prison system, she said that women were allowed to work, although, in view of the logistical difficulties of entering into contracts with manufacturers, sometimes there was a shortage of work. All prisoners were entitled to work and to have access to education. As for the question about the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the delegation would provide further information in writing.

21. **Ms. Halperin-Kaddari** said that the approach used in Iceland to distribute parental tasks and responsibilities more equally was interesting. She wished to know whether there were available data on how many men took parental leave, especially following the reduction in the allowance made to fathers, and on how childcare and household work were divided on a daily basis between fathers and mothers. Had there been an increase in the number of men contributing to unpaid household chores? She wondered whether fathers continued to help with such tasks throughout the child's life or whether sharing of household duties was limited to the period of paternity leave.

22. **Ms. Hofmeister** said that she would like to know more about the opportunities for permanent residence and work permits afforded to immigrant women, especially those seeking asylum, who were victims of domestic violence.

23. **Ms. Bolladóttir** (Iceland) said that there were no restrictions on work permits if an individual had entered the country legally. Special provision had been made for women asylum seekers who had been the victims of violence. As part of the process of ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, a bill had been prepared and was due to be presented to the parliament. The bill contained proposals for amendments to the General Penal Code that would provide for additional protections for women. Special circumstances, including domestic violence, were always taken into account by the courts.

24. **Ms. Erlingsdóttir** (Iceland) said that extensive data were indeed available, and a great deal of research had also been conducted, on the subject of parental leave. Research had been conducted concerning children up to 3 years of age. Parental leave had a very positive effect on the sharing of childcare responsibilities between parents. Iceland had a high level of labour participation for men and women and a low number of hours were spent on housework in comparison with other countries. The number of hours spent on housework by men had increased between 2005 and 2013, from seven to nine hours per week, while the number for women had decreased from 14 to 13. Those changes reflected an evolution in attitudes and the effectiveness of the Parental Leave Act.

Articles 15 and 16

25. **Ms. Halperin-Kaddari** said that she would like to know more about the issue of the division of marital property following divorce. Unfortunately, the information requested in the Committee's previous concluding observations (CEDAW/C/ICE/CO/6) on the economic consequences of divorce had not been provided in the State report. She wondered whether there been amendments to the Marital Act since 1993, when it had been enacted. She would appreciate hearing about how women's interest in marital property was being safeguarded. Under the deferred community of property system in Iceland, women might be disadvantaged, as the marital property was often registered solely in the man's name. She wished to know what mechanisms had the State party put in place in order to prevent women's property interest from being negatively affected following divorce.

26. Future earning capacity and enhanced earning capacity were not taken into account in dividing up assets following divorce or separation. The State party was responsible for eliminating discrimination against women in all matters relating to marriage and should take into account the Committee's general recommendation No. 29 (CEDAW/C/GC/29) on the economic consequences of marriage, family relations and their dissolution in doing so. Almost 90 per cent of child custody cases in Iceland resulted in shared custody. It was not clear whether that was the result of court decisions or of choices made by the parents. There was a growing body of research to suggest that joint custody was not necessarily always beneficial for the child. She would like to know whether the State party was monitoring the consequences of joint custody on children's development. She wondered whether there were any safeguards in place to prevent joint custody from being granted in cases of domestic abuse. It was unclear which parent received child support payments in cases of joint custody and how those payments were divided between the mother and father. Fathers often opted for joint custody in order to avoid paying child support. It would be useful to know whether steps were being taken to prevent that from taking place. Even in cases of joint custody, the child had a single registered address; the State party should explain why that was the case.

27. **Ms. Bolladóttir** (Iceland) said that parents could either agree on a joint custody arrangement or a joint custody decision could be handed down by the courts. She was aware of only one case in which joint custody had been ruled on in a court of law. In cases of joint custody, the parent who had the child registered in his or her home was de facto the person who made important decisions concerning the child, notwithstanding the fact that parents with joint custody should have an equal part in the child's upbringing. A Government committee had therefore been set up in 2015 to further explore and assess the impact of joint custody. The committee had proposed a new scheme known as "shared living", by which parental responsibilities and rights would be more equally shared between the mother and father. The new shared living scheme was voluntary.

28. Courts would be extremely unlikely to grant joint custody in cases in which domestic violence had occurred, as the environment would be considered unstable for the child. The best interests of the child were always paramount in child custody cases. The amount of child support provided by the State was fixed and could be doubled in the event that the parent with whom the child was living had a low income or the child had special needs.

29. Each person in a common law marriage retained possession of the assets that they had brought to the relationship following a separation. There was no mutual obligation to provide economically for one another that existed for married couples. Assets acquired jointly during both formal and common law marriages were split equally between the parties upon divorce or separation. That principle had been confirmed by a recent ruling of the Supreme Court, which had held that, following the end of a common law marriage, all assets acquired jointly during the union should be split equally between the parties. A clause in the domestic matrimonial legislation provided that one party could be required to provide support for the other following a divorce under exceptional circumstances, including if there was a significant difference in their earnings or one partner had stayed at home to care for the children.

30. **Ms. Halperin-Kaddari** said that she would like to know if there was a specific clause in the relevant legislation on how domestic violence was addressed in child custody cases. On the issue of child support, she wished to know whether the delegation was referring to the allowance provided by the State or the amount that parents paid.

31. **Ms. Bolladóttir** (Iceland) said that there was a specific legal provision in the Children's Act intended to protect children from violence. A similar provision was also contained in the Child Protection Act. In deciding on custody cases, the courts took into consideration the ability of the parents to provide a safe and stable environment and the child's connection to each of the parents. Child support should be understood as the sum paid by one parent to another, and not as a public allowance.

32. **Ms. Erlingsdóttir** (Iceland) said that there was no fund in Iceland, as in other countries such as Sweden, to make up for shortfalls in pensions owing to gender segregation in the workplace. However, that was one of the issues that the Action Group on Equal Pay was studying closely. It was true that too many women received only the basic State pension.

33. **Ms. Gunnarsdóttir** (Iceland) said that the delegation would like to thank the Committee for the constructive dialogue, which had been very useful.

The meeting rose at 5 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1379th meeting
Held at the Palais des Nations, Geneva, on Thursday, 18 February 2016, at 10 a.m.

Chair: Ms. Hayashi

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Sweden

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Sweden (CEDAW/C/SWE/8-9; CEDAW/C/SWE/Q/8-9 and Add.1)

1. *At the invitation of the Chair, the delegation of Sweden took places at the Committee table.*

2. **Ms. Baralt** (Sweden), introducing her country's combined eighth and ninth periodic reports (CEDAW/C/SWE/8-9), said that Sweden had a feminist government and that the composition of the delegation reflected the broad scope of national policies to promote gender equality, which was a precondition and driver for sustainable growth and welfare. Sweden had been among the first countries to ratify the Convention, and the Government was proud of its record on gender equality, but it also acknowledged that women and girls continued to be at a disadvantage and that steps should be taken to increase the visibility of the Convention. The Committee's concluding observations would therefore be translated and widely distributed.

3. Since the submission of the combined eighth and ninth periodic reports in 2014, a new Administration had taken office. The Prime Minister, Stefan Löfven, was committed to achieving gender equality. To that end, training on gender mainstreaming had been provided to all Ministers and State Secretaries, indicators had been developed to monitor progress in key policy areas, support for gender mainstreaming had been offered to government agencies, and all ministries had been requested to incorporate a gender perspective in future policy proposals. In 2014, the Government had commissioned a committee of inquiry to review gender equality objectives and to assess the progress made over the previous 10 years. A detailed enumeration of those objectives would be drawn up by that committee and would be submitted to parliament in September 2016.

4. The Government had played an active role in helping the country's municipalities and county councils to mainstream a gender perspective into their public services, not least by signing an agreement with the Swedish Association of Local Authorities and Regions to promote the involvement of men and boys in gender equality activities at the local level.

5. A committee of inquiry had also been set up to propose ways of streamlining anti-discrimination efforts, which remained a priority for the Government and would be an important component of a new disability policy that would be presented in the autumn of 2016. A gender perspective had been incorporated into the national strategy for Roma inclusion, and the Sami parliament was drafting an action plan on gender mainstreaming for its staff and for the Sami public at large.

6. Fathers had recently been granted a third month of paid paternity leave to encourage them to share childcare responsibilities and to promote women's employment. To combat violence against women, the Government was designing a holistic strategy and investing in violence prevention measures with the cooperation of schools and of counselling and rehabilitation centres for perpetrators of such violence. It also allocated more than €10 million per year to shelters for women suffering from substance abuse problems, women with disabilities, women who had been involved in prostitution and women victims of human trafficking. Although women with disabilities were served by general programmes for the prevention of violence against women, the Swedish Agency for Participation had been tasked with preparing a specific action plan for that group. To strengthen the legal protection available to women victims of violence, the Government had commissioned a review of the

Criminal Code provisions on rape and was contemplating the introduction of consent-based legislation that would establish the offence of negligent rape.

7. Since 1995, street prostitution in Sweden had been halved, and the overall number of people engaged in prostitution had not increased, thanks in part to legislation on sexual offences and to efforts to reduce the demand for sexual services. In September 2014, a commission had been appointed to look into the removal of the requirement of double criminality in cases involving the purchase of sexual services.

8. To address persistent gender inequalities in the area of health care, the Government had created the National Commission for Equity in Health and was providing additional funding for parental support mechanisms and health services in schools to promote child mental health.

9. The Swedish Public Employment Service had been requested to tailor its activities in ways that would boost gender equality. The Government had raised temporary parental benefits, which were predominantly claimed by women, and was considering making changes in the parental insurance scheme in order to foster gender-equal parenting. Steps had been taken to counter an increase in temporary employment, which was a situation that women found themselves in more frequently than men, and a legislative amendment had been passed requiring the conversion of fixed-term contracts to indefinite contracts when the aggregate length of employment exceeded two years. The Government had also put forward a bill to reintroduce mandatory annual pay surveys in order to detect any instances of gender-based wage discrimination.

10. As to women's representation, although gender-balanced boards and management teams were in place in State-owned companies, the private sector was lagging behind. The Government had stated that at least 40 per cent of board members should be women by the end of 2016. If that objective was not achieved, it would, for the first time ever, propose legislation providing for quotas. To bridge the gender pension gap, measures had been adopted to increase women's pensions as part of a wider reform aimed at raising the income tax allowance for all pensioners.

11. Steps had been taken to enhance the quality of the educational and vocational guidance given to students in compulsory, upper secondary and higher education to ensure that their study and career choices were not constrained by their gender. Efforts were being made to boost the number of women professors, who accounted for just 25 per cent of the total, and the Government had set up a commission to propose measures for making research a more attractive career choice for both women and men.

12. The Government had recently presented its action plan for the implementation of a feminist foreign policy through which it hoped to promote the active participation of women in peace processes and strengthen the human rights of women and girls in humanitarian settings. It had also begun to implement the 2030 Agenda for Sustainable Development.

13. In 2015, Sweden had received 160,000 asylum applicants, of whom around 35,000 had been unaccompanied minors. The mass influx of refugees had put the reception system, social services and schools under considerable pressure. The Government had responded by providing financial assistance and by facilitating the participation in the labour market of all residents, including migrants. It was aware of the gender-related challenges posed by the new situation and stood ready to play a leading role in the defence of women's rights within Europe and beyond.

Articles 1 to 6

14. **Ms. Schulz** said that she would like to know whether the Government was planning to incorporate the Convention into national law in order to enhance its visibility and to enable women to invoke it directly before the courts. She wondered why the list of prohibited grounds of discrimination in the Discrimination Act was not exhaustive, what effect that had on the enjoyment of rights by women, particularly those who were at risk of multiple discrimination, and whether the Government intended to harmonize the list with the open-ended one set out in the Constitution. An update on the time frame for the possible establishment of a national human rights institution in line with the Paris Principles would be appreciated, as well as any available information on what that institution's future mandate with regard to gender equality and multiple discrimination might be.

15. **Ms. Ameline** said that she wished to know what measures would be taken in cooperation with civil society to increase the visibility of the Convention and the Committee's concluding observations. She would also welcome information on the steps being taken to facilitate family reunification and to provide support on the ground for women migrants. It would be helpful for the delegation to elaborate on the national strategy for Roma inclusion and on the gender mainstreaming action plan that was being drafted by the Sami parliament.

16. **Ms. Pimentel** said that she was interested in learning whether the State party's asylum legislation had been evaluated and what was being done to ensure that it was comprehensible to asylum applicants. She wondered whether the Government had considered introducing mandatory training for all legal professionals on sexual crimes and on violence against women. Lastly, she wished to know whether the justice system catered to the language needs of migrants and minorities, whether it was accessible in remote areas and whether efforts were being made to monitor its effectiveness, particularly in terms of responding to the needs of women.

17. **Ms. Baralt** (Sweden) said that the Government was committed to maintaining social cohesion and to creating a culture of respect for all human rights. All its policy decisions incorporated a consideration of the needs of the most vulnerable groups in Swedish society, which included women and girls who were foreign nationals and women with disabilities. A recognition and understanding of the rights enshrined in the Convention had to be fostered through the provision of appropriate training and public awareness campaigns. One of the major challenges facing the Government was the question of how to reconcile the different cultural backgrounds of migrants entering Sweden with the established Swedish culture of respect for women's rights when the two were at variance. It was clear that a raft of special measures would need to be adopted for that purpose.

18. **Ms. Schölin** (Sweden) said that, as Sweden had a dualistic legal system, in order for international instruments to be applicable, they had to be translated into Swedish law or incorporated therein by means of a special statute. In Sweden, the most common approach was the latter. To date, only the European Convention on Human Rights had been fully incorporated. There were no plans to amend the Anti-Discrimination Act to include an open-ended list of grounds of discrimination at that time. In 2016, the Government would submit a new national human rights plan to the national parliament in which it would recommend the creation of a national independent human rights institution in accordance with the Paris Principles. The decision regarding the creation of such an institution would be taken by the national parliament.

19. **Ms. Peyron** (Sweden) said that, as part of its strategy for dealing with the challenges presented by the large influx of migrants, in the autumn of 2015 the

Government had drafted a proposal for a temporary law that would, among other things restrict the granting of residence permits and had submitted the proposal to stakeholders for consultation. The purpose of the law would be to bring Swedish asylum regulations into line with those of the European Union. The corresponding bill, which was still subject to approval by the national parliament, provided that refugees admitted under the country's official refugee quota would still receive a permanent residence permit, whereas refugees and persons who were eligible for subsidiary protection would be issued with a temporary residence permit. Temporary residence permits could be renewed, provided that grounds for protection still existed. The proposed law would also place certain restrictions on the right to family reunification. However, refugees would retain the right to be reunited with spouses, partners and children under 18 years of age. The temporary measures proposed in the law would, if it was passed, remain in force for three years and were in keeping with the country's obligations under international and European Union law. Moreover, the gender perspective was always taken into account when processing asylum applications. The action plan for gender mainstreaming devised by the Swedish Migration Board ensured that the specificities of different types of violence, such as domestic and so-called "honour-related" violence, were integrated into the investigative techniques used in each case. The Board would also conduct a risk assessment of vulnerable groups, and the results of that assessment would be taken into account when processing the asylum applications of members of those groups. Furthermore, the Aliens Act contained specific provisions for the protection of vulnerable women.

20. **Mr. Olsson** (Sweden) said that the Swedish Migration Board provided general information on how to navigate the asylum process in a number of different languages. Asylum seekers who were victims of sex crimes had the same rights as Swedish victims of such crimes and had access to an interpreter and information about the relevant legal proceedings. While several training programmes for judges and judicial officers had been developed, in the interests of preserving the independence of the judiciary, they could not be made compulsory. However, the Government recognized the need to increase the uptake of such programmes and was working to achieve that goal.

21. **Ms. Schölin** (Sweden) said that the Government had introduced special procedures for reporting to international human rights bodies and for giving effect to their recommendations. When appropriate, action plans could also be devised on the basis of such recommendations.

22. **Mr. Hellström** (Sweden) said that the Government's national minority policy had been adopted in 2010 and included a gender perspective. Special measures were in place for the benefit of national minorities in the health and education sectors. The five national minorities of Sweden were consulted on all policy decisions concerning them. The Government was committed to strengthening its dialogue with the Sami and had increased the funding for the Sami parliament. The national strategy for Roma inclusion would run until 2032, and several measures had been taken to ensure that Roma women enjoyed their rights on an equal footing with Roma men and other Swedish citizens.

23. **Ms. Ameline** said that it would be useful to assess the effectiveness of the legal system in terms of the application of the Convention and to remedy any shortcomings in that regard. She would like to learn more about the status of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, commonly known as the Istanbul Convention, in the State party's domestic legal order and about its approach to the enforcement of that treaty.

24. **Ms. Jahan** asked whether the State party had conducted a gender impact assessment of the proposed temporary law that, if passed, would restrict the granting

of residence permits and the right to family reunification of asylum seekers in Sweden. She invited the State party to refer to the Committee's general recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women before finalizing its proposal.

25. **Ms. Pimentel** said that the report was all but silent on the prevalence of discrimination against Muslim women, particularly those who wore a veil. What measures was the State party taking to combat that form of discrimination?

26. **Ms. Halperin-Kaddari** said that Sweden was to be commended on the work it had done with a view to the introduction of gender quotas in private corporations. It would be helpful for the delegation to elaborate on the reasons behind the decision not to make training courses on gender-based violence compulsory for judges and judicial officers.

27. **Ms. Schulz** said that the complexity of the Anti-Discrimination Act underscored the need for training on gender-based discrimination and for effective monitoring of the legal system to ensure compliance with the Convention. The State party should allocate sufficient human and financial resources to ensure the accessibility of services for victims of gender-based discrimination.

28. **Ms. Baralt** (Sweden) said that judges and judicial officers were fully aware of the importance that the Government attached to respect for all human rights and so would be unlikely to refuse to attend training courses on gender-based violence. However, she was not convinced of the need to make attending such courses compulsory. As to the general approach taken to combating discrimination, the Government was in favour of tackling each form of discrimination under a separate action plan so as to avoid conflating one with another.

29. **Mr. Olsson** (Sweden) said that compliance with the Convention in the Swedish legal system was subject to constant monitoring. Over the previous eight years, more than €1 billion had been invested in improving the efficiency and capacity of the judiciary, and more than 3,000 police officers had been recruited and trained. The Committee on Sexual Offences was in the process of reviewing the procedures for dealing with the crime of rape with a view to increasing their effectiveness. Moreover, the National Council for Crime Prevention was looking into the reasons for the low rate of convictions for certain offences. Details on the steps being taken to implement the Istanbul Convention could be found on the Government's human rights website. While training courses on gender-based violence were made freely available to judges and judicial officers, it was feared that making attendance at such courses compulsory could be viewed as interference on the part of the executive and an attempt to undermine the independence of the judiciary. Furthermore, there was little point in making attendance at such courses compulsory, as there was no way of sanctioning any judges or judicial officers who failed to comply. It should also be noted that newly appointed judges received training on the different forms of gender-based violence as part of their basic training package.

30. **Ms. Nilsson Kelly** (Sweden) said that the Higher Education Authority had been commissioned to analyse the coverage of human rights issues, gender-based violence and violence against children in the higher education curricula designed for students wishing to enter professions in the social, health and justice sectors. The Authority had found that, while human rights issues were included in almost all university curricula, the opposite was true in the case of gender-based violence and violence against children. The Authority had suggested making the latter two issues compulsory components of curricula designed for students wishing to enter professions where they would come into contact with victims of violence. The Government had decided to carry that suggestion forward.

31. **Ms. Peyron** (Sweden) said that Sweden had received unprecedented levels of refugees, including 80,000 Syrian nationals and members of their families. In 2015, the number of people in need of international protection had amounted to 1.9 per cent of the country's total population, making Sweden the largest receiving country in per capita terms in the European Union. The Government was working closely with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) to analyse the gender implications of such a large influx of refugees. Under the proposed temporary law, persons granted subsidiary protection would have a right to family reunification if they had applied for asylum by November 2015.

32. **Ms. Schölin** (Sweden) said that Muslim women could easily fall victim to multiple forms of discrimination and that the Anti-Discrimination Act covered discrimination on the grounds of both religion and gender. Indeed, the aim of merging several pieces of anti-discrimination legislation into the Anti-Discrimination Act had been to consolidate existing anti-discrimination provisions to offer more comprehensive protection against multiple forms of discrimination. The Equality Ombudsman had found that individual complaints typically cited more than one ground for discrimination and had brought several cases of multiple discrimination to court. Moreover, a special adviser had been appointed to provide guidance on how best to guarantee the effectiveness of anti-discrimination initiatives and ensure access to support for victims.

33. **Ms. Pimentel** said that, while it might not be possible for the executive to compel judges and judicial officers to attend training courses, there was no reason why the judiciary itself could not do so.

34. **Ms. Nadaraia** said that she wished to know more about the findings of the gender equality study conducted in 2015 and about how the State party planned to give effect to the recommendations arising from it. She wished to know what progress had been made towards adopting the new national human rights plan and whether it gave due prominence to women's rights and gender equality.

35. **Ms. Pomeranzi** said that she would welcome additional information on the qualitative evaluation that had been conducted of the Government's gender mainstreaming programme and on the new strategy that had been introduced in conjunction with it. Which institution was responsible for managing and monitoring the implementation of the new strategy? She would appreciate an account of the gender-sensitive budgeting methods being applied and would like to know which institution was responsible for overseeing their application. She would also be interested to hear the delegation's observations regarding reports from alternative sources that, after 20 years of implementation, the gender mainstreaming strategy had lost its initial transformative power and was, in fact, diluting efforts to attain gender equality.

36. **Ms. Nwankwo**, referring to the most recent version of the Inter-Parliamentary Union world classification on women in national parliaments, said that the fact that Sweden had dropped from second to fifth place reflected a dangerous decline which should be addressed as a matter of urgency. Although women in Sweden had attained higher levels of education than men in several fields, that fact did not appear to have translated into comparable levels of representation in academic or corporate leadership positions. Since voluntary gender quotas for senior positions in the private sector did not guarantee the desired results, the Government should consider adopting legally binding quotas in order to accelerate the realization of women's de facto equality with men in that respect. She wished to know whether the State party planned to take proactive measures, including capacity-building, to help more women prepare for such

positions. Were there any projects in place aimed at helping men to gain a proper understanding of the importance of gender equality?

37. **Ms. Baralt** (Sweden) said that the Government had just concluded consultations with civil society and major institutions on how to increase the effectiveness of equal opportunity policies and initiatives for combating violence against women. The question of how to monitor the implementation of the new gender policy was still being studied, but consideration was being given to the possibility of establishing an agency that would be exclusively devoted to ensuring equality of opportunity. The Government maintained a close dialogue with the Swedish Association of Local Authorities and Regions and was earmarking additional funding for measures to improve gender equality at the local and regional levels, as well as evaluating the results of that effort. The institution responsible for managing the gender-sensitive budgeting process was the Ministry of Health and Social Affairs, which worked in conjunction with the Ministry of Finance in that connection.

38. The Government of Sweden did not shy away from quotas and would use all possible means to address remaining gender imbalances. It was a colossal waste of resources for academic institutions and companies to fail to benefit fully from the ideas and expertise of their many highly educated female employees by denying them senior positions.

39. **Mr. Florin** (Sweden) said that the strategy for gender mainstreaming in the civil service was based on the five guidelines set out in paragraph 9 of the State party's report (CEDAW/C/SWE/8-9). Its implementation was reviewed annually by Statistics Sweden, whose assessment showed that, in the period from 2013 to 2014, an increasing number of official reports and ministerial communications included a gender equality analysis. Some of the objectives of the new gender mainstreaming strategy were: to intensify efforts to combat Internet threats and violations; to reduce the number of persons subjected to violence in intimate relationships; to counteract gender segregation in the labour market; and to increase the number of female police and coast guard officers.

40. **Ms. Schölin** (Sweden) said that a human rights strategy was currently being developed, so detailed information on its contents was not yet available, but gender rights were obviously human rights and would therefore clearly be included.

41. **Mr. Hellström** (Sweden) said that the reasons for the declining representation of women in the Swedish parliament included the entry of a new political party, which had reduced the number of seats allocated to the other parties and nullified the usefulness of alternate lists, since only one member of parliament was elected for each circuit. It should be noted, however, that measures to increase women's representation fell within the remit of the parliament and the political parties themselves, rather than that of the executive branch. In an effort to address the situation, the Committee for Grants had increased the funding for the representation of women within political parties. At the international level, women made up 55 per cent of the Swedish members of the European Parliament.

42. **Ms. Broström** (Sweden) said that, according to the most recent statistics, 29 per cent of the members of boards of directors of listed companies were women. Although that figure was below the Government's stated objective of 40 per cent, it nevertheless represented a 5 per cent increase over the previous two years. The Government had made companies well aware of gender equality targets, and the extent to which companies had met those targets before the end of 2016 would determine whether or not legislation on a binding quota would be put to a vote.

43. **Ms. Pomeranzi** asked whether any other gender mainstreaming benchmarks or indicators were being used, apart from the number of official documents that included

a gender equality analysis. It should be recalled that gender mainstreaming involved a transformative process within each government institution.

44. **Ms. Schulz** said that she wondered whether the prominence given to gender equality might symbolically and practically be better served if the minister responsible for gender equality were attached to the Office of the Prime Minister or that of the Finance Minister, as opposed to the Ministry of Health and Social Affairs. She questioned the effectiveness of lumping gender equality, which was a central issue in a global society, together with issues of importance for specific groups within the population, such as children and the elderly.

45. **Ms. Ameline** said that the Government might wish to consider using results-based techniques when reviewing its current gender equality strategy and formulating the new one. Given that, as a member of the European Union, Sweden was prohibited from producing statistics on ethnic origin, she wondered how the Government assessed the situation of its ethnic minorities. It might be useful to set up an oversight committee within the Swedish parliament to monitor the implementation of international conventions. Another measure that might also be helpful could be to set up a certification programme to award companies that had achieved exemplary levels of gender equality as a means of portraying such achievements as a positive investment rather than as a constraint.

46. **Ms. Baralt** (Sweden) said that, even though the Minister for Children, the Elderly and Gender Equality had a large portfolio to manage, an important synergy was created by working with three such important parts of the social affairs sector, where women were the key agents.

47. **Mr. Florin** (Sweden) said that 1 million Swedish krona per year had been allocated for the evaluation of the Government's gender mainstreaming efforts for the period from 2016 to 2018. The Government relied on indicators developed by Statistics Sweden, which had been producing facts and figures on men and women since 1984. In 2011, it had been given special instructions to develop indicators on gender mainstreaming. Those indicators were linked to the Swedish gender equality policy and were updated biannually. With assistance from the central government, the Swedish Association of Local Authorities and Regions had developed a gender mainstreaming programme and guidelines to assist municipalities in benchmarking their gender mainstreaming methods and processes. Those initiatives were a work in progress, and better coordination of the gender mainstreaming efforts of the three levels of government was needed. An excellent booklet containing facts and figures on women and men in Sweden had been posted on the Statistics Sweden website.

48. **Ms. Schölin** (Sweden) said that, as part of its human rights strategy, the Government would recommend the establishment of an independent national institution to monitor gender equality in parliament. Sweden did not compile official statistics on ethnic or religious groups for well-known reasons. However, other tools were used to collect information on the living conditions of various segments of the population, such as the study on self-perceived discrimination carried out by the Equality Ombudsman.

49. **Ms. Broström** (Sweden) said that the underrepresentation of women in business leadership positions had less to do with capacity-building than it did with ensuring that women had the same opportunities as men to start and run companies, to access capital and to reach their full potential in all areas of the business sector. To that end, several private initiatives had been developed; for example, there was a company that drew up lists of highly competent women who would be strong candidates for positions traditionally occupied by men. There was also a special programme for men on women's leadership and gender equality.

50. **Ms. Jahan** said that focused attention was needed to combat the prevalence of gender stereotypes, sexism, patriarchal attitudes and the sexualization of women in Sweden. She would like to know what specific measures would be taken by the State party to prohibit Internet access to pornographic imagery of women and so-called "revenge porn", as well as to legally ban gender discrimination in advertising. Those problems should be addressed through a comprehensive strategy to combat gender stereotyping that took into account the special needs of women from minority communities, such as Roma, Sami and migrant women, who were often targets of hate speech and racially motivated violence.

51. Given the wide gap between the numbers of cases of violence against women that were reported and that were prosecuted, greater emphasis should be placed on developing more thorough and effective methods for investigating such incidents and on providing gender-sensitivity training for law enforcement personnel. When considering the introduction of a consent-based provision on the offence of rape in its Criminal Code, the State party should ensure that consent was defined explicitly. She would like to know what the expected time frame was for the adoption of a national strategy for combating violence against women and whether it would include components that focused on minority groups. She wished to know how the implementation of measures to combat female genital mutilation was monitored and what sanctions were applied to offenders. Were the same sanctions applied in cases where the State party exercised extraterritorial jurisdiction? She would also like to know more about the State party's efforts to put an end to forced marriages.

52. **Ms. Leinarte** said that, since studies had shown that the 1999 Sex Purchase Act was a highly effective legal instrument, she would be interested to know how the Swedish model might be adopted globally. She also wished to know whether the action plan for combating prostitution and human trafficking for sexual purposes included separate programmes for victims of trafficking and for women wishing to leave prostitution. Although some of the circumstances surrounding cases of trafficking and cases of prostitution might be the same, efforts to support women in those situations required quite different approaches. With reference to paragraph 71 of the replies to the list of issues (CEDAW/C/SWE/Q/7-8/Add.1), she failed to see the link between women who were victims of human trafficking or who were in prostitution and the counselling services provided by the Swedish Prison and Probation Service. It was her understanding that such women did not face criminal penalties.

53. **Mr. Hellström** (Sweden), replying to a question posed by Ms. Jahan, said that the advertising industry had established a self-regulatory ombudsman's office which provided information and training in an effort to contribute to the creation of a better advertising climate. The advertising industry also required advertisers to comply with the Consolidated Code of the International Chamber of Commerce. Under the Constitution, the freedom of the press and freedom of expression were nearly absolute, and censorship was prohibited; therefore, any attempt to interfere in or exert control over the media would not be in line with the Constitution. Various public inquiries into discriminatory advertising and the provisions of the Constitution had been conducted and had reached differing conclusions. As the Government did have the authority to regulate some aspects of the work of public service broadcasters, however, they were required to provide annual statistics on equal representation in the media. Other media enterprises were not publicly funded and thus could not be obliged to do the same. Universities did, however, regularly produce statistics and reports on that issue. All broadcasters, including companies that provided content online, were required to ensure that any pornographic material was preceded by a warning and that it was not broadcast at times when it was likely to be seen by children.

54. As to the question on ethnic minorities and the risk of domestic violence, although the Government did not compile statistics disaggregated by ethnicity, there were certain qualitative processes in place to provide information on such issues. For example, a study on how ethnic minority victims of domestic violence were treated by the authorities had been conducted which had found that greater cultural sensitivity was needed. Consequently, further information and training were being provided to staff in social services, the police and health-care services.

55. **Mr. Olsson** (Sweden) said that the Committee on Sexual Offences had been tasked with developing recommendations regarding consent-based legal provisions on the offence of rape and with determining why so few reports of rape led to prosecutions and convictions and how to improve the performance of the justice system in that respect. It was scheduled to present its findings by October 2016. The Ministry of Justice had already announced that the 2014 legislation on forced marriages would undergo review, but that was unlikely to occur before 2017. The updated provisional statistics for 2015 indicated that there had been 35 cases involving the offence of forced marriage and 11 cases involving the offence of misleading someone for the purposes of forcing them into marriage.

56. Sweden was of course proud of its innovative sex purchase legislation and hoped that other countries would follow its lead. It was, however, difficult to determine exactly how the Swedish model might be implemented globally. The European Union coordinated a network of national anti-trafficking mechanisms, and several other European countries had already implemented similar legislation. The Swedish Institute had been tasked with assisting interested countries to study his country's work in that connection. In response to a question asked by Ms. Leinarte, he could confirm that women were not prosecuted or imprisoned for engaging in prostitution. The counselling programmes of the Swedish Prison and Probation Service were aimed at women who had been imprisoned for different crimes and who were then offered those services following an assessment.

57. **Ms. Nilsson Kelly** (Sweden) said that no strategy was currently in place regarding women and prostitution, although there was a forthcoming plan for combating the sexual exploitation of children. It was possible that a component on prostitution might be included in the strategy for combating violence against women, but no decision on that point had yet been taken.

58. **Mr. Florin** (Sweden) said that he would like to add that the planned strategy for combating violence against women would be holistic in that it would deal with both offenders and victims, who might not necessarily be men and women, respectively, but might also be transgender or intersex persons.

59. **Ms. Baralt** (Sweden), referring to the use of the Swedish Sex Purchase Act as a global model, said that many countries sent study groups to Sweden in order to gather data for use in assessing the implications of that legislation. The Ministry of Foreign Affairs was actively involved in disseminating information and raising the level of discussion on trafficking at the international level. The Government would welcome the suggestions of the Committee in that regard since it was currently considering how to make the country's voice heard globally in the discussion on ways to counter trafficking, especially in the light of the increase in migration and the large numbers of unaccompanied migrant children, who were potential trafficking victims.

60. **Ms. Ameline** said that she wished to know whether an attempt had been made to measure the impact on society of the introduction of gender-neutral language in the Constitution. She would appreciate further information on the results of the action plan for combating violence against women, on the effectiveness of the electronic

monitoring of offenders and on the reasons why the violent crime rate was so high in such a highly developed, gender-aware country as Sweden.

61. **Ms. Leinarte** said that she would be grateful for clarification on the action plans that were currently in place, since the State party's report and its replies to the list of issues seemed to refer to two separate plans, one on prostitution and human trafficking for sexual purposes, which was clearly not aimed at children, and another to protect children from human trafficking, exploitation and sexual abuse.

62. **Ms. Jahan** said that she would welcome further clarification on the statement that interference with the media was not in line with the Constitution, particularly in the light of the fact that other Nordic countries with similar constitutional arrangements had reportedly passed legislation to ban gender discrimination in advertisements. Given that a report from the Swedish National Council for Crime Prevention had found that the sexual harassment and molestation of girls and women were to a large extent due to the prevalence of pornographic imagery on the Internet and in the media, she wished to know how the State party intended to address that issue, since it was not sufficient to simply display a warning prior to broadcasting pornographic content. Stricter controls were necessary to prevent children from accessing such materials.

63. Lastly, since Sweden had ratified the Arms Trade Treaty, and in consideration of the Committee's general comment No. 30 on women in conflict prevention, conflict and post-conflict situations, she wished to know whether the State party was systematically conducting gender-sensitive risk assessments of the impact of international transfers of arms.

64. **Ms. Schulz** said that, in the light of media reports that a number of unaccompanied minors had disappeared after having arrived in Sweden, possibly becoming victims of trafficking, she wished to know whether the Swedish Migration Agency had developed new methods to counter the trafficking of children. What practical steps had been taken to ensure that unaccompanied migrant children, and in particular girls, did not fall prey to trafficking for the purposes of sexual exploitation? She wondered whether, generally speaking, prostitution and trafficking were being conflated and whether the emphasis placed on putting an end to prostitution, even when it was not forced prostitution, was detracting from efforts to combat trafficking for the purposes of other forms of forced labour. With that in mind, she wished to know whether all forms of such trafficking had been taken into consideration.

65. **Ms. Baralt** (Sweden) said that the vast majority of unaccompanied minors arriving in Sweden were boys and that a study carried out to identify the causes of those disappearances had detected two significant risk factors. First, the registration period had become quite lengthy due to the sheer volume of people arriving in Sweden. Consequently, minors had been kept in registration centres for longer than anticipated and some had left of their own accord to see if the process might be quicker elsewhere or to find family relations. Action had now been taken to speed up the process, reducing it from as much as two months, in certain cases, to one week. Second, although every effort was made to place children in areas close to family relations or other connections and to establish an adult support network around them, some minors simply left the family or institution in which they had been placed. However, some children, particularly girls, were indeed at risk, and a specific action plan was being formulated to address that issue. What was important was for the authorities to work with those minors, establish a relationship and ensure that they were aware of their rights. The tendency at the European Union level had been to focus on trafficking for other forms of forced labour rather than trafficking for purposes of sexual exploitation. In Sweden, efforts had been made to tackle trafficking

in all its forms, but much more needed to be done to combat trafficking for sexual purposes, in particular.

66. **Mr. Hellström** (Sweden), replying to a question regarding gender discrimination in advertising, said that while it was true that other Nordic countries had similar constitutional arrangements, the provisions on freedom of the press and freedom of expression in the Swedish Constitution were broader in scope, making it more difficult to implement legislation that restricted what could be published. The Swedish Media Council had incorporated a gender equality perspective into its work and was gathering information on how girls and boys were affected by media content, including online pornography. That information would be used to shape awareness-raising measures for members of the media.

67. **Mr. Olsson** (Sweden) said that the evaluation of the two treatment programmes for male sex offenders and violent offenders had not identified any significant results. It was clear that the process for initiating treatment was inefficient, and prisons had been tasked with accelerating that process. The Government was actively monitoring the results of a pilot scheme led by bilingual coaches aimed at ensuring that non-Swedish-speaking offenders also participated in those programmes. While the violent crime rate was by no means high in comparison with other countries, every woman who was exposed to violence was one too many. The root causes were difficult to pinpoint but the fact that it was not socially acceptable to discuss the issue was a problem. Improvements in gender equality had resulted in higher reporting rates, which was precisely what was needed. As to electronic monitoring, there had been only a handful of cases to date, and a special investigator had recently been appointed to perform a review of that procedure.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1380th meeting
Held at the Palais Nations, Geneva, on Thursday, 18 February 2016, at 3 p.m.

Chair: Ms. Hayashi

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Consideration of reports of States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Sweden (continued)

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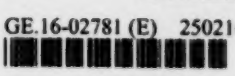

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Sweden (continued) (CEDAW/C/SWE/8-9; CEDAW/C/SWE/Q/8-9 and Add.1)

Articles 1 to 6 (continued)

1. **Ms. Nilsson Kelly** (Sweden) said that she wished to point out that Sweden currently had no action plans in place, since all those referred to in the report had expired. A strategy to combat violence against women would be included in the forthcoming strategy for achieving gender equality, and a new action plan on combating the sexual exploitation of children would be introduced. It would be a continuation of earlier plans but would also address the issue of sexual abuse via the Internet.

2. **Ms. Bernes** (Sweden) said that the State party had insisted on including provisions on gender-based violence in the Arms Trade Treaty in the face of scepticism on the part of other countries. Sweden had, of course, ratified the Treaty and had established one of the world's strictest systems for maintaining control over arms exports. The country's own assessment criteria and those provided for in the Treaty were applied in parallel, with the most restrictive provision applying in each case. An all-party parliamentary commission had issued a report in June 2015 on proposed amendments to the legislation governing such exports. A review of the Military Equipment Act had been initiated on the basis of the report and the broad consultations that had been held in that regard, and a new bill was to be submitted in the second quarter of 2017.

Articles 7 to 9

3. **Ms. Acosta Vargas**, addressing issues under articles 7 and 8 of the Convention, said that, despite the feminism embedded in the State party's policy, for which she had the deepest respect, it was nonetheless difficult, for historical and political reasons, to achieve equality between women and men, and the situation therefore required constant monitoring. The State party was to be commended on the steady increase in participation by women — especially young women — at the polls and in political activity generally, even though the women's movement had unfortunately encountered some setbacks in the latest elections. One of the best ways of maintaining the ground gained by women in parliament and the judiciary might be to expand the participation of young women, indigenous women and women born abroad. With regard to the subject of quotas, she would like to know whether private companies could be required to take action if it was found that women were being discriminated against in terms of board membership. The State party's systematic efforts to achieve parity in its representation at the international level, as stipulated in article 8 of the Convention, were praiseworthy. Had Sweden also nominated women to serve in international courts and other legal bodies? The country's feminist foreign policy was crucial to ensuring observance of Security Council resolution 1325 (2000) on women, peace and security and the Committee's general recommendation No. 30, which strengthened the case for women as peace mediators. She would like to know whether those guidelines would be included in the national plan and when the plan would be adopted. She also wished to know whether Swedish firms abroad were held to the State party's standards on work and safety.

4. Turning to issues under article 9 of the Convention, she asked whether women arriving in Sweden looking for employment and accommodation were granted a residence permit only if they were in a relationship with a Swedish man. She wondered whether rules could be established to give victims of gender-based violence the right to a residence visa that could not then be revoked. Was there a mechanism to enable women

who were in the country illegally to report gender-based violence without facing sanctions? Lastly, she would like to know what proportion of the people reaching Sweden from conflict areas were women and whether any quotas were in place for women with children.

5. **Ms. Baralt** (Sweden) said that most of the refugees arriving in Sweden came from Syria, but some were from Afghanistan and its neighbouring countries. Her country's biggest development cooperation programme on gender equality was, in fact, in Afghanistan. The unaccompanied minors reaching Sweden were nearly all boys, which meant that their sisters and mothers had stayed behind, so the Government was working with NGOs to look into the question of how to provide opportunities for the girls and women who remained in their countries of origin, those who were joining the flow of migrants and those who made their way to Sweden. At the forthcoming meeting of the United Nations Commission on the Status of Women in New York, the side event to be put on by Sweden would be about protection for the rights of women and girl migrants and refugees.

6. **Ms. Peyron** (Sweden) said that the Swedish resettlement scheme followed the priorities set out by the United Nations High Commissioner for Refugees, under which women and girls at risk were a priority. A temporary residence permit was initially granted if a woman had lived as part of a couple on a permanent basis abroad and wished to continue to do so in Sweden. If a relationship ended because a woman or her children had been abused, the woman could remain in Sweden.

7. **Mr. Hellström** (Sweden) said that his country's high voter turnouts showed how deeply rooted democracy was in Swedish society, and the higher the turnout, the more equal representation would be. In the run-up to the 2014 election, the Government had encouraged people to vote by promoting school elections, providing funding for political parties and running campaigns aimed at young people and groups that did not usually vote. The same types of measures would be taken prior to the 2018 elections.

8. **Ms. Bernes** (Sweden) said that gender equality was at the core of the country's feminist foreign policy. When appointing members of international bodies, a gender balance was always a consideration. The three Swedish judges appointed to the European Court of Human Rights since 1988 had all been women. In accordance with the talent pipeline initiative introduced by the Secretary-General, Swedish women were being encouraged to apply for senior positions in peacekeeping operations. Security Council resolution 1325 (2000) was a very important instrument in efforts to ensure that women would take part in peacekeeping, mediation and peacebuilding operations, and the Government had been working to identify qualified women for such positions.

9. With regard to women on the boards of directors of private companies, Sweden had developed a highly ambitious policy on corporate social responsibility. To that end, it had produced the Action Plan on Business and Human Rights, which was based on the United Nations Guiding Principles on Business and Human Rights. Under the Action Plan, which had been launched in August 2015, firms were required to respect the human rights of all their workers in all their activities, regardless of where they were based.

10. **Ms. Ameline** asked the delegation to comment on the fact that the Feminist Initiative Party had not been particularly successful at the last election.

11. **Ms. Patten** said that the State party was to be commended on its commitment to conflict prevention and management. She would like to learn how the Government knew that its international development work was resulting in increased participation by women in peace negotiations and the implementation of peace agreements. To what extent were measures that increased women's political participation in post-conflict situations an integral part of its development assistance strategies? Were development efforts also focused on broader issues relating to judicial, electoral and constitutional

reform? In particular, given that strategies for the promotion of peace and security were essential instruments for integrating Security Council resolution 1325 (2000) into development cooperation activities, she wished to know to what extent, in the implementation of those activities in conflict areas, did consultations with national and local actors involve women's organizations and what action was taken to promote education and employment.

12. **Ms. Halperin-Kaddari** said that she would welcome clarification on the explanation given in paragraph 377 of the State party's report (CEDAW/C/SWE/8-9) regarding the Ordinance on ID Cards for Persons Registered in Sweden.

13. **Ms. Schulz** said that she hoped that Sweden would continue to play an active role in achieving gender parity in United Nations treaty bodies and quasi-judicial mechanisms. To that end, however, it should also put forward qualified male candidates for the Committee on the Elimination of Discrimination against Women.

14. **Ms. Pomeranzi** said that she would like to know whether, in the Action Plan on Business and Human Rights, due diligence was being monitored only at the level of the Ministry of Foreign Affairs or whether the Ministry of Labour was involved as well.

15. **Ms. Baralt** (Sweden) said that the Government would provide a written clarification of the statements made in paragraph 377 of the report. Although the Feminist Initiative Party had not won any seats in the national parliament, it had succeeded in doing so in the European Parliament. She appreciated Ms. Schulz's point. A gender balance had been sought in the delegation of Sweden to the Committee, and the Government would discuss the matter further with the other Nordic countries. With regard to an earlier question regarding women's representation in senior corporate positions, she was pleased to inform the Committee that legislation would shortly be introduced which was designed to lead to an increase in the number of women on companies' boards of directors.

16. **Ms. Bernes** (Sweden) said that the Swedish International Development Agency was required to do gender assessments for all its programmes. Gender equality was one of the top three priorities for development cooperation and had been integrated into all aspects of development operations. The Agency's action plan for the next three years called for continued gender mainstreaming efforts and for the expansion of those efforts into new sectors. The Folke Bernadotte Academy, which was attached to the Ministry of Foreign Affairs, was the lead agency for the country's work in the field of security sector reform. One example of its work was the security sector reform analysis, which incorporated a gender perspective, that had been conducted in Ukraine to see what could be done in that conflict situation. The Swedish International Development Agency was also active in helping with the reform of election machinery.

17. **Ms. Broström** (Sweden) said that monitoring Swedish firms' fulfilment of their national and international legal obligations was the responsibility of the Ministry of Trade and Enterprise rather than that of the Ministry of Foreign Affairs.

18. **Ms. Peyron** (Sweden) said that the asylum application procedure was the same for men and women. Residence permits were granted on the basis of an individual case-by-case assessment.

Articles 10 to 14

19. **Ms. Gbedemah** said that the Committee was impressed by the percentage of women in higher education and the feminist approach to governance in the State party. The Committee had previously recommended the introduction of temporary special measures to increase the number of women in high-ranking posts, in particular in academia. The State party had indicated in its report that it had set itself targets for

increases in the number of female university professors; however the stated targets had apparently not been met. More information on the reasons for that and on the measures to be adopted to achieve the objective would be appreciated. Alternative sources had indicated that a disproportionate amount of research grant funding went to men due to the fact that the scientific disciplines were male-dominated. What strategies were being implemented to ensure that research funding was allocated equally to men and women and to remedy the structural causes of gender imbalances in the fields of science, technology, engineering and mathematics? The Committee was concerned at the high number of adolescent girls who reported having been the target of sexual harassment, sexism and bullying at school. More information on the guidelines made available to schools for dealing with those problems would be appreciated. It was important to integrate sexuality education into the standard curriculum. While it was commendable that acceptance of stereotypical gender roles was discouraged from the preschool stage onward, the Committee would like to know what was being done to attain a gender balance in the teaching staff at that level. The Committee would also like to receive statistics on educational opportunities for m grant women, children with disabilities and members of vulnerable groups, especially in the context of the recent influx of migrants.

20. **Ms. Pomeranzi** said that the labour participation rate for women in Sweden was among the highest in the world, but some degree of horizontal and vertical labour segregation persisted. Despite the positive steps taken in terms of parental leave and work-life balance, women still took the bulk of the parental leave made available, and women's wages had remained at 93 per cent of the level of men's wages for the last 20 years. In addition, more women worked part-time than men and most of them cited family responsibilities as the reason for that decision. What measures had been taken to reduce part-time work among women? It was essential that the Government should provide appropriate health care, childcare and services for the elderly so that women were able to combine paid work with parenthood and other family responsibilities. That was especially true for migrant women.

21. The Committee would like to know why the State party had not ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). Had the bill on the reintroduction of mandatory annual pay surveys already been enacted and would it apply to all businesses employing 10 or more people? More information would be appreciated on the role of the Equality Ombudsman in reducing gender discrimination in employment. The Committee would also be interested to learn if there were any plans to set up a specific gender equality ombudsman. Information on any plans to provide incentives to women entrepreneurs, especially in the field of technology, would be welcome. She would like to know what measures were envisaged in order to ensure that Swedish businesses located outside the country — such as the textile firms based in Bangladesh — complied with the Convention.

22. **Ms. Pimentel** said that it was not clear if the training materials for health-care personnel mentioned in paragraph 303 of the State party's report (CEDAW/C/SWE/8-9) specifically covered women's health issues. Had women's NGOs been involved in developing the materials in question? Most of the complaints received by the Equality Ombudsman were apparently closed without any proceedings being initiated. Had any studies been conducted to determine the reason for that? The Committee would like to receive more information about the main causes of the increase in mental illness among young women, if available, and about access to contraception, abortion and prenatal care, especially among minority groups. What was the maternal mortality rate among ethnic minorities, and were any special measures in place for them in the field of reproductive health? Given that only 38 per cent of women with disabilities in the State party considered themselves to be in good health, the Committee would like to request more information on the measures being taken to improve their health and well-being. The drug-related death rate among women in the State party had risen, and the

Government appeared to be lacking a strategy with a clear gender perspective in that respect. What preventive actions were being taken to address that issue?

23. **Mr. Nilsson** (Sweden) said that gender-influenced education choices were still a pressing issue in Sweden. The Education Act guaranteed access to educational and vocational guidance for all, and the Government had tasked the National Agency for Education with improving the quality of that guidance. The Vocational Programmes Committee of Inquiry had also been given the responsibility of exploring options for improving the gender balance of apprenticeship schemes. The National Agency for Education had also been tasked with supporting schools' efforts to prevent sexual harassment by, for example providing extensive continuing professional development activities to teachers that focused on areas such as gender equality and the prevention of harassment. A report on ways of improving sex and relationships education had been made available to schools. Sweden was working to mainstream girls with disabilities and migrant girls in the education system. Only 1.3 per cent of all pupils attended non-mainstream schools. There were also a number of initiatives under way to increase the number of men working in preschools.

24. **Ms. Hellberg** (Sweden) said that the proportion of female university professors in Sweden had risen from 17 to 25 per cent since 2006. The Government was in the process of drawing up a series of measures to attract young women to careers in academia, and 5 million Swedish krona had been allocated for 2016-2019 to support universities and colleges in implementing gender mainstreaming actions. Male applicants still received more grant funds for research in the fields of medicine, science and engineering, and a large portion of the funding went to research centres, which were often headed by men. However, in the future, priority would be placed on individual grants, as women tended to be more successful in obtaining grants on that basis, and more funding would be provided for research in such areas as the humanities and social sciences. Equality between men and women in the sciences was a key aspect of the Government's policy, and a bill was to be submitted to parliament in 2016 on that subject.

25. **Mr. Jansson** (Sweden) said that there was a zero tolerance policy on threats, violence and sexual harassment in schools. The relevant legislation had been amended so that it also covered threats made via the Internet. The Government had tasked a committee with drawing up proposals for modernizing the criminal laws on threats and other abuses with the aim of developing modern criminal legislation that would provide well-balanced protection for the integrity of the person. A report had recently been published by that committee which included numerous proposals for strengthening the protection offered by the nation's criminal laws. For example, a new criminal provision had been proposed on the unlawful violation of privacy.

26. **Ms. Del Sante** (Sweden) said that Sweden had analysed the issues relating to ILO Convention No. 189 and was planning to ratify it. The Public Employment Service had formulated guidelines for counteracting gender segregation in the labour market. It had also presented a gender mainstreaming plan to the Government for achieving the State party's gender equality objectives, and that plan was currently being implemented.

27. **Ms. Bernes** (Sweden) said that foreign companies operating in Sweden were required to identify potential human rights violations and take steps to prevent them. Worldwide, the Swedish companies H&M and Ericsson were ranked among the top five early adopters of the United Nations Guiding Principles Reporting Framework.

28. **Ms. Schölin** (Sweden) said that proposed amendments to the anti-discrimination law had recently been drafted and were under review. One of those proposals was to incorporate specific references to all potential grounds of discrimination. Another was to make an annual wage survey obligatory for all employers in Sweden with more than 10 employees. Currently it was only obligatory for those with over 25 employees to do so

once every three years. Following the review, the Government planned to submit a bill to parliament to amend the existing law in the spring. She did not have any information on the reasons why complaints regarding health care that had been filed with the Equality Ombudsman had not been taken further. However, an expert had been appointed to draw up recommendations for strengthening mechanisms for enforcing the rights of persons who had experienced discrimination, and that study was to be completed in 2016.

29. **Mr. Melin** (Sweden) said that women accounted for some 70 per cent of mental illness diagnoses in Sweden. According to recent research, girls and women felt that they were subject to more stress in education and the labour market than men did; decreased social stigmatization of mental disease might also be a factor, in that young women might be seeking help more often than in the past. The Government and the Swedish Association of Local Authorities and Regions had reached an agreement under which they would be better able to identify and respond to mental health needs; the Government was planning to spend a total of 1 billion Swedish krona on efforts to tackle mental illness. Furthermore, the recently established Commission for Equality in Health Care had been tasked with proposing ways of reducing inequalities, with special reference to women with disabilities and the lesbian, gay, bisexual and transgender population. While the consumption of alcohol and drugs by young women continued to be a concern, heavy drug use had been declining steadily and was now at its lowest level since 1971. The level of use of narcotic drugs, mainly cannabis, was stable, had been for a long time and was, moreover, quite low compared to other European countries. The Government had recently adopted a new gender-sensitive strategy to combat the abuse of licit and illicit drugs.

30. **Ms. Aldén** (Sweden) said that better support systems were needed to facilitate women's access to the labour market. Improved services were also needed for older people so that women did not have to sacrifice their careers in order to care for them. In addition to having adopted a national strategy on women's health, the Government of Sweden had recently commissioned the National Board of Health and Welfare to identify disparities in the health-care sector, including those that might correlate with disabilities, sexual minorities and gender. Specific agreements had been reached with local and regional governments to increase access to breast cancer screenings and to provide free contraceptives to young people. Women in vulnerable socioeconomic situations were being encouraged to avail themselves of such services. Maternal mortality rates were very low, with just three or four cases being registered per year. No specific statistics on the rates for minorities were available. Under national legislation, undocumented women also had access to basic women's health services, including contraception, abortion and gynaecological and maternity care. It was indeed much more difficult for women with disabilities to find work; actually, that was true for men with disabilities as well. The Government was firmly committed to improving the employment opportunities for persons with disabilities and was working on a new disability policy that would include a gender perspective.

31. **Ms. Nilsson Kelly** (Sweden) said that the fact that young women were more exposed to violence than men was likely connected to the high incidence of mental illness among that group. That factor would also be taken into consideration when preparing the new government strategy on women's health.

32. **Ms. Pimentel** said that she would like to know if the reported decrease in the use of alcohol and drugs related to both women and men, or only to women.

33. **Ms. Schulz** said that she was surprised to learn that it was equally difficult for women and men with disabilities to integrate into the workforce, in view of other labour market figures, such as those that indicated, for instance, that 48 per cent of women but 75 per cent of men were employed full-time. Furthermore, disability benefits were terminated for women who became employed and were terminated or greatly reduced for

women after the age of 65, which meant that they faced a stark reduction in income when they left their jobs. The State party should clarify whether women received lower pension benefits than men owing to their higher average life expectancy. If that was indeed the case, what measures were being considered to make the pension system fairer? She would like to know how the State party planned to help older women with disabilities to enter or remain in the labour market in order to maintain their standard of living.

34. **Mr. Melin** (Sweden) said that age was indeed a factor in the use of alcohol and drugs. There was a slight increase in the use rate among women of around 40 years of age, as well as among girls in secondary school. Over the past 12 months, consumption had risen by between 3 and 4 per cent, but heavy consumption had been steadily decreasing for years. While it was true that women received lower pension benefits, the Government had recently initiated a study on the pension system from a gender perspective. Its findings, which would be available in May 2016, would inform future efforts to make the system fairer.

35. **Ms. Bilici** (Sweden) said that it was indeed more difficult for women with disabilities than men with disabilities to find jobs. The Government was taking steps to facilitate access to the labour market for persons with disabilities and to provide follow-up support in that regard; however, there were no specific measures targeting women.

36. **Ms. Ameline** asked if the State party was taking a proactive approach to involving women, including at the decision-making level, in sustainable development policies. New technologies might allow for more flexible working conditions and therefore facilitate women's access to the labour market.

37. **Ms. Broström** (Sweden) said that the Government of Sweden had adopted proactive policies, specifically in the field of education, that enabled women to play a greater role in the forestry industry, which was a vital sector for the Swedish economy.

38. **Ms. Bernes** (Sweden) said that one of the Government's main focuses was to promote the participation of women and girls in the economy and in environmental affairs. A number of bilateral and multilateral meetings, including several high-level ministerial conferences, had been held to follow up on related measures.

39. **Ms. Baralt** (Sweden) said that the Government sought to implement the 2030 Agenda for Sustainable Development at all levels, including locally. In rural areas, initiatives dealing with sustainable development and small-scale agriculture were often driven by women. Experience had shown that funding for small and medium-sized enterprises was more often allocated to men than to women. It was important to understand the reasons for that, including what made women less likely to apply for such funding, in order to design a more equitable system of distribution. There was no doubt that women would play a crucial role in sustainable development efforts.

Articles 15 and 16

40. **Ms. Halperin-Kaddari** said that, especially in European countries, instances of forced marriage and female genital mutilation were on the rise; moreover, in communities that maintained such practices, forced marriages were often polygamous. Since the State party was responsible for eradicating such harmful practices, she would like to know whether it was aware of their existence and, if so, what it was doing to eradicate them.

41. Regarding the economic consequences of divorce, while she appreciated the State party's reluctance to take an approach that might send the wrong message to the public about women's independence in marriage, there was sometimes a discrepancy between an ideal society and reality. The reporting State should therefore rigorously examine the

consequences of divorce for women and men in order to determine whether any changes in policies were needed, taking into account the Committee's recently adopted general recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution. While the State party was to be commended for its near-default position of joint custody of children, except in cases where so-called alternating residence could expose a child to risk, the Committee had received information according to which the courts did not always consider the potential risk factors for children. She wondered if the State party was aware of any such cases and whether courts were still mandating joint custody even when the parents themselves did not agree with that arrangement.

42. **Ms. Aldén** (Sweden) said that it was important for the procedures involved in divorce, which was on the rise in Sweden, as in most countries, to be as smooth as possible, since that would be in the best social and economic interests of divorcing couples and their children. To help to achieve that objective, the Government had established the Family Law and Parental Support Authority in September 2015.

43. **Mr. Olsson** (Sweden) said that polygamy was illegal in Sweden and therefore not recognized or widely discussed. As for child custody, in 2014 the Government had commissioned an inquiry to investigate how rules on custody and residence were applied in practice and to determine how they might need to be amended in order to strengthen children's rights; measures to reinforce children's right to express their views and to make the transfer of custody more efficient in cases of violence within a family were under consideration. The results of the inquiry would be available in October 2016.

44. **Ms. Baralt** (Sweden) said that, as far as the Government of Sweden was aware, polygamy was not widespread. Women and girls entering the country were given very clear information about their rights. It was possible that cases of polygamy existed but went unreported; the Government would look into the situation. She was hopeful that the current Administration, which had come into office in 2014, would do much to advance the rights of women and girls by, among other steps, acting upon the Committee's concluding observations once received.

45. **The Chair** commended the State party for its efforts and encouraged it to take all necessary measures to respond to the recommendations of the Committee.

The meeting rose at 4.55 p.m.

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1381st meeting
Held at the Palais des Nations, Geneva, on Friday, 19 February 2016, at 10 a.m.

Chair: Ms. Hayashi

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Mongolia

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of Mongolia (CEDAW/C/MNG/8-9; CEDAW/C/MNG/Q/8-9 and Add.1)

1. *At the invitation of the Chair, the delegation of Mongolia took places at the Committee table.*

2. **Ms. Narangerel** (Mongolia), introducing the State party's combined eighth and ninth periodic report (CEDAW/C/MNG/8-9), said that the Government of Mongolia was committed to incorporating the provisions of the Convention and the Beijing Declaration and Platform for Action into national laws, policies and programmes. That commitment was reflected in the Law on the Promotion of Gender Equality, adopted in 2011, and the Midterm Strategy and Action Plan on the Implementation of the Law, which had been adopted in 2011 and was designed to create the legal and organizational framework for the promotion of gender equality in the political, economic, social, cultural and family spheres. The Government worked with women's organizations in pursuing its gender equality goals and, between 2013 and 2015, had organized a series of international and national forums with the support of such organizations. The forums had focused on family values, men's participation in social development, women's development policy, women's participation in development and Asian youth, and had yielded a range of recommendations that had been disseminated at all levels of central and local government, where they would be used to feed further legislative and policy development.

3. The Government had also made great progress in fulfilling the Millennium Development Goals. Several targets had been successfully achieved, including the target for the reduction of maternal mortality, which, by the end of 2014, had dropped to 26 deaths per 100,000 live births. The new Sustainable Development Goals had been fully incorporated into the State's long-term development policy for the period 2016-2030, approved in December 2015. The 45 goals set under the policy included the equal participation of women and men in social development and the creation of an environment that favoured equal access to social wealth. Responsibility for coordinating the national gender policy lay with the National Committee on Gender Equality, which had been established in 2005 but was currently being restructured following changes in the Government's structural organization at the end of 2015. The National Committee now fell under the purview of the Ministry for Population Development and Social Protection.

4. Since the submission of the periodic report, the Government had introduced a number of important legislative reforms, including amendments to the Criminal Code. In addition to the legislative amendments, a raft of new laws had been adopted, including laws on the rights of persons with disabilities, joint pensions, childcare services, infant and maternal health and victim and witness protection. A new anti-trafficking law that was compliant with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol) had also been promulgated. Many of the legislative reforms benefited women in particular.

5. The revised Criminal Code made domestic violence an offence in Mongolia for the first time, set more stringent penalties for the perpetrators and excluded sexual harassment, sexual exploitation, discrimination, stalking and other gender-related offences from the list of crimes for which exemption from criminal liability could be

obtained by seeking reconciliation with the victim. The Law on the Rights of Persons with Disabilities, approved in February 2016, recognized for the first time the need to accord special attention to the rights of women with disabilities, including their sexual and reproductive rights, their right to legal, psychological and other services, and their right to protection against domestic and sexual violence and harassment. The new Law on Childcare Services, meanwhile, should ensure equal opportunities for the one in three Mongolian children not currently benefiting from preschool State education and, by extension, support the employment of the many parents and caregivers who were currently unable to enter the labour market.

6. Although over 60 per cent of Mongolian women had completed higher education, they remained underrepresented in politics and other decision-making positions. To address that situation, the Elections Law provided that the representation of either sex on the electoral lists of political parties should be no less than 30 per cent. Since the law's adoption in December 2011, political parties had been working to incorporate similar provisions into their internal regulations. At present, there were 11 female members of parliament and those women had united to promote women's rights, gender equality and women's participation and representation in all sectors.

7. Various measures had been adopted to implement the Committee's previous recommendations regarding the need to eliminate gender stereotypes and promote gender mainstreaming in school curricula. For example, a gender perspective had been incorporated into secondary school curricula, programmes and textbooks and, in 2014, serving teachers and teaching graduates had taken part in a six-step training programme exploring ways to reflect gender issues in lesson content. Other advances in the field of education had included an increase, to 360 nationwide, in the number of lifelong learning centres available for adolescent mothers who would otherwise be excluded from education; improvements to the life skills training programme offered to social workers and teachers, notably to cover the prevention of gender-based violence; and the establishment of life skills centres in 5 districts of Ulaanbaatar and 11 provinces that gave young people from rural areas access to the skills development services that would help them grow into responsible and confident adults.

8. The Government had also been working to amend the Labour Law so that it reflected gender issues more comprehensively. A draft revision would be submitted to the parliament in the near future. The draft prohibited workplace discrimination and harassment, established penalties for employers who failed to provide fair and equal working conditions and extended the principle of non-discrimination and equality to wage levels. The latter provisions, once enacted, should help narrow the gender pay gap, which was currently 16 per cent. In line with current legislation on personal privacy, the draft also expressly prohibited employers from requesting HIV/AIDS or pregnancy tests and from terminating contracts or refusing to hire prospective employees based on health considerations.

9. In the field of health care, particular attention had been given to sexual and reproductive health and infant and maternal health. Some 350 maternity facilities had been established to provide safe birthing conditions for women living in more sparsely populated areas and it had become standard practice to refer at-risk pregnant women or women who developed complications to secondary and tertiary health-care institutions. The considerable rise in the birth rate over the past decade had also prompted the construction of new maternity wards that provided nearly 1,000 additional hospital beds nationwide.

10. Mongolia was one of the countries least affected by HIV/AIDS, with only 181 registered cases as of 2014, of which 17.8 per cent were women. Ten births to HIV-positive women had been recorded and the infants had in all cases been HIV-free. Although the numbers were small, HIV-positive women who fell pregnant faced a

number of medical and social risks and for that reason were usually transferred to the National Centre for Infectious Diseases to give birth. However, local hospitals provided assistance and advocacy prior to birth and doctors and midwives were trained in the prevention of mother-to-child transmission.

11. The Mongolian health-care authorities had passed revised abortion-related standards and procedures in 2014. Funding for the distribution of birth control pills and contraceptives from the United Nations Population Fund (UNFPA) had been reflected in the State budget since 2009 and had been steadily increasing. Contraception was available to women and girls for free and young adults were offered free consultations on sexual, reproductive and psychological health issues. Family planning needs were therefore far better met than in the past.

12. In the years ahead, the development and protection of women would be priorities on the Government agenda. The Ministry of Population Development and Social Protection had established a Child, Family and Women's Development Division that was actively working to enhance the legal and social protection available to women. The period of social and economic transition that Mongolia had experienced over the past two decades had engendered immense changes in ideologies, attitudes and values that had, in turn, necessitated changes to the Family Law adopted in 1999. A new draft of that Law accorded particular attention to social protection, compliance with international practices and the prevention of discrimination.

13. Despite its efforts, the Government was fully aware of the many challenges the country faced. Domestic violence was on the rise, calling for the urgent adoption of a revised version of the Law on Combating Domestic Violence; more precise gender statistics were required to develop and implement gender-sensitive policies and programmes; and there was a pressing need for closer cooperation with the National Human Rights Commission and civil society organizations in implementing the Convention and other international agreements to which Mongolia was a party.

14. In those and other areas, methodological support and assistance from the Committee would be greatly appreciated. International donor funding was also needed to supplement the meagre budget available for implementation of the Law on the Promotion of Gender Equality and the Midterm Strategy and Action Plan. However, the Government firmly believed that cross-sectoral cooperation and participation and the concerted, coordinated efforts of State and civil society organizations in building the financial, structural and organizational mechanisms needed to support women's empowerment and advancement and foster greater understanding and awareness of gender equality would yield the deep-seated changes and improvements it sought.

Articles 1 to 6

15. **Ms. Ameline** said that the State party was to be commended on its recent legislative advances and its decision to abolish the death penalty. Referring to the recommendations made to Mongolia during its 2015 universal periodic review, she asked what progress had been made in ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention Relating to the Status of Refugees of 1951. The State party should refer to the Committee's general recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women for guidance in consolidating its approach to asylum seekers. She asked how the State party planned to ensure adequate visibility of the Convention and the Committee's concluding observations and whether the National Committee on Gender Equality and civil society would play a role in that endeavour. The Committee would have liked to have seen sexual orientation included among the prohibited grounds for discrimination in the definition of discrimination adopted by the State party. She asked how the State

party planned to ensure that minority women could exercise all their rights under the Convention; what steps it envisaged taking to enhance the effectiveness of the judiciary to guarantee all women access to justice; how it handled the complaints of violations of women's rights referred to it by the National Human Rights Commission; how it intended to expedite the implementation of the Millennium Development Goals that it had identified as a priority; and whether it planned to offer judges and magistrates training on the Convention.

16. **Ms. Narangerel** (Mongolia) said that Mongolia had made great strides in improving women's rights following the democratic revolution of 1990. A number of measures had been taken to improve the quality of life of the country's ethnic minorities. For example, ethnic minority groups benefited from increased social insurance coverage and positive discrimination measures in the labour market. Ethnic minorities were not discriminated against in Mongolian law. The Constitution of Mongolia prohibited gender-based discrimination. New mothers could spend up to two years at home with their child and return to their post. The Government was currently examining the possibility of ratifying the Migrant Workers Convention and the Convention Relating to the Status of Refugees of 1951.

17. **Ms. Schulz** said that, while the State party was to be commended on the progress that it had made, there was still a need to improve the effectiveness and coherence of its human rights framework. She asked when the State party planned to amend article 14, paragraph 2, of the Constitution in order to expand the prohibited grounds of discrimination to cover sexual orientation, gender identity and disability; when the State party intended to introduce measures to enforce and monitor the application of the law on the rights of persons with disabilities; and whether it planned to allocate budgetary resources for its implementation. She asked whether the State party planned to adopt a comprehensive anti-discrimination law that would protect all women living in Mongolia. It would also be useful to have an account of the prevalence of multiple discrimination against women in Mongolian society.

18. **Ms. Patten** said that, while the adoption of the law on the rights of persons with disabilities was a positive development, the continued existence of laws and decrees authorizing forced abortion and the forced sterilization of women with psychosocial or intellectual disabilities was a major cause for concern. She asked whether the State party intended to review all such laws and decrees and to repeal discriminatory provisions. She would also be interested in learning more about the circumstances in which mothers with disabilities could be stripped of their parental rights.

19. **Ms. Ameline** asked whether the opinions issued by the National Human Rights Commission were binding and, if so, whether the national parliament was obliged to amend laws that the Commission identified as being discriminatory towards women. She also wished to know whether the State party had requested technical assistance from the competent international organizations in improving the functioning and services offered by the judiciary.

20. **Ms. Narangerel** (Mongolia) said that the Government was aware of the need to strengthen the country's legal framework and, to that end, had reviewed existing laws and passed new laws protecting the rights of vulnerable groups, such as persons with disabilities.

21. **Ms. Gantuya** (Mongolia) said that, in December 2015, Mongolia had amended its Criminal Code to punish violations of political, economic and social rights and acts of discrimination on grounds such as race, gender, ethnicity, ideology and sexual orientation. The perpetrators of such offences could be deprived of their liberty.

22. The reform of the judiciary was still ongoing. In April 2013, the Government had begun implementing laws intended to improve the functioning of the courts. In

Mongolia, most trials were public and a large number of courts were equipped with video recording equipment. It was possible to request access to the video archives of the courts. The General Council of the judiciary organized online training for judges and magistrates. The Government was still examining the possibility of ratifying the Migrant Workers Convention and the Convention Relating to the Status of Refugees of 1951.

23. **Ms. Narangerel** (Mongolia) said that there was a national centre for the care of persons with disabilities and a special centre for children with disabilities. The Government planned to fund additional centres for children with disabilities in various provinces of the country.

24. **Ms. Oyunkhand** (Mongolia) said that the law on the rights of persons with disabilities contained an elaborate definition of disability and clearly set out their rights. The newly adopted law prohibited discrimination on the basis of disability and afforded persons with disabilities enhanced protection. The law also contained a special chapter on the rights of women with disabilities.

25. **Ms. Rentsenkhand** (Mongolia) said that the Government was working with the National Human Rights Commission to review the existing body of Mongolian legislation and to bring it into line with the Convention. While the Law on the Promotion of Gender Equality prohibited gender-based discrimination, it did not expressly mention the concept of multiple discrimination. The National Human Rights Commission was working to improve the application of Law.

26. **Ms. Gabr** said that, while she welcomed the State party's efforts to align its domestic legislation with the Convention, there was also a pressing need to strengthen the national machinery for the advancement of women, namely the National Committee on Gender Equality. Noting that the Committee no longer came under the authority of the Office of the Prime Minister, she asked whether the decision to place it under the authority of a government ministry had affected its status. It would also be useful to know more about the Committee's mandate, the budgetary resources allocated to it, its composition, its relationship with civil society and whether the Government planned to decentralize its gender equality policy. Given that the National Human Rights Commission was competent to receive and resolve complaints of gender-based discrimination but that it reportedly lacked efficiency, she would welcome additional information on its composition, including the criteria used to select its members; how the impartiality of those members was guaranteed; the budgetary resources allocated to it; and whether it was in line with the Paris Principles. It would also be desirable for the National Committee on Gender Equality to play a role in dealing with complaints of gender-based discrimination.

27. **The Chair** said that the State party was to be commended on the progress that it had made since the last interactive dialogue with the Committee. However, in its previous concluding observations (CEDAW/C/MNG/CO/7), the Committee had urged the State party to introduce temporary special measures in its legislation with a view to increasing the representation of women at all levels and spheres of politics and to provide statistical data on women's representation in various areas of public life, including in law enforcement, the judiciary and the diplomatic service. It was therefore regrettable that the report and written replies shed little light on the steps taken by the State party to give effect to the Committee's recommendations or on the current level of women's representation in public and political life. While the State party had adopted several laws enshrining general non-discriminatory principles, such as the Law on the Promotion of Gender Equality, it would be useful to know whether those laws actually provided for the introduction of temporary special measures aimed at accelerating de facto equality between men and women, such as quotas for female electoral candidates. She asked whether the Midterm Strategy and Action Plan on the

Implementation of the Law for the period 2013-2016 included the provision of training courses on gender equality and temporary special measures for members of the judiciary, government officials and law enforcement officers.

28. While welcoming the news that the 20 per cent quota for women candidates in party lists for parliamentary elections had been increased to 30 per cent, she said that women's representation in the parliament was just 13.5 per cent, which was much lower than the global average. Furthermore, reports suggested that women candidates were placed at the very bottom of the lists. Steps needed to be taken to ensure that women and men were equally represented on such lists.

29. Regarding education, while progress had certainly been made, it was clear that gender segregation persisted. For example, very few women students studied non-traditional subjects, such as mining, science and technology. In that connection, she wished to know whether there were any temporary special measures in place or envisaged to help accelerate gender equality and facilitate women's empowerment.

30. **Ms. Narangerel** (Mongolia) said that, in 2012, the new Ministry of Population Development and Social Protection had been established as a crucial step towards the country's future development. For example, the Ministry had organized several forums as a means of enabling different population groups to air their views and concerns on certain policy areas, which, in turn, were reflected in the relevant legislation. The National Committee on Gender Equality had also been restructured and, although it remained a separate entity, the Minister of Population, Development and Social Protection was now its Vice-Chair.

31. **Ms. Rentsenkhand** (Mongolia) said that following the restructuring of the Government, the secretariat of the National Committee on Gender Equality, which was responsible for its day-to-day functioning, now came under the Ministry of Population Development and Social Protection. It comprised 26 members, of whom 15 were ministers of State while the remainder were representatives of non-State actors. The Committee had seen an increase in the number of projects undertaken by it since the restructuring. It was, for example, currently conducting an analysis of the legislation; carrying out a project to assess whether new draft laws incorporated a gender perspective; and working with the Ministry of Finance to perform a gender analysis of the budget.

32. **Ms. Gantuya** (Mongolia) said that the National Human Rights Commission of Mongolia had been established in line with the Paris Principles and had three commissioners. It was mandated to receive, review and resolve complaints and assess whether the decisions of the courts were in accordance with the legislation. It also produced an annual report on the human rights situation in Mongolia for parliamentary review. A bill that would increase the budget of the Commission so that it could adequately fulfil its functions was currently under review.

33. **Ms. Gabr** said that she would like further information on the mandate of the National Committee on Gender Equality and its relationship with the Prime Minister, the parliament and civil society organizations.

34. **Ms. Rentsenkhand** (Mongolia) said that the National Committee on Gender Equality was headed by the Prime Minister but its composition had changed owing to the Government restructuring.

35. **Ms. Arocha Domínguez** said that she wished to know what powers were vested in the Media Council of the National Committee on Gender Equality to challenge gender stereotypes in the media. In particular, she wondered whether there were any regulations obliging the media to comply with its rulings and whether there were penalties for failing to do so. Regarding education, she wished to know whether there

was a harmonized methodology for measures aimed at eliminating stereotypes and promoting gender equality; whether teachers had been adequately trained to teach those subject matters; and whether any efforts were under way to tackle multiple forms of discrimination. It would also be interesting to know how the Government worked to ensure that all categories of women were included in efforts to prevent stigmatization and discrimination and to promote a positive image of women in society.

36. While commending the amendment to the Criminal Code, under which discrimination, irrespective of the grounds, was now a hate crime, she said that she would appreciate more information about the mechanisms in place and the human, financial and other resources allocated for the implementation of the provision.

37. **Ms. Gabr** said that, in the light of the new measures introduced by the Government to deal with the increase in violence against women, she would welcome more information about the shelters set up to support women victims and details of how the State party protected elderly women against violence. Moreover, since gender stereotypes had a negative impact on women and engendered violence against them, it would be helpful to hear more about the work carried out in conjunction with the United Nations Educational, Scientific and Cultural Organization (UNESCO) regarding school textbooks. Information on the status of amendments to the domestic violence legislation should also be provided.

38. Regarding article 6 of the Convention on the suppression of trafficking and prostitution, she said that, although some progress had been made, she wished to know why financial support for shelters for victims had been reduced; what provision had been made to protect victims and witnesses; and how the State party worked with destination countries in which Mongolians were often exploited by traffickers. As to the Law to Prevent and Combat Human Trafficking, she asked how the new regulations recently introduced worked in practice; how the Government collaborated with NGOs and the media to combat trafficking; and why the number of trafficking convictions was so low. Were awareness-raising activities and training, particularly for law enforcement officials and judges, being conducted? Moreover, had any data analysis been carried out to identify and tackle the root causes of trafficking in Mongolia?

39. Lastly, she asked whether the State party had an action plan to combat trafficking and, if so, whether it could be provided to the Committee, and what action the Government was taking to prevent the increase in prostitution caused by the growth in tourism.

40. **Ms. Rentsenkhand** (Mongolia) said that the Midterm Strategy and Action Plan on the Implementation of the Law on the Promotion of Gender Equality included measures to address gender stereotypes and gender-based violence and raise public awareness of those issues. The Government worked with the media to help combat stereotypes and acknowledged journalists for their gender-sensitive reporting. One such journalist had, for example, been recognized for having written extensively about combating gender-based stereotypes.

41. Every year, to coincide with International Women's Day, awareness-raising campaigns were conducted in the public sector to help create a positive image of women. The campaigns also sought to heighten awareness not only about domestic violence but also the important role that men played in the family.

42. Regarding education, she said that gender mainstreaming had been incorporated into the secondary school curriculum. Teachers and graduate students received training on gender equality and how to incorporate it into their teaching. Efforts were also under way to establish how best to reflect gender equality in school textbooks. For

school dropouts or other children who could no longer pursue a mainstream education, a comprehensive teaching programme on gender-based violence and gender equality had also been created.

43. The Government was working with international organizations to raise public awareness about gender equality. For example, each year two members of parliament — one woman and one man — were appointed as gender equality messengers and worked to disseminate information about gender equality.

44. **Ms. Gantuya** (Mongolia) said that the Law on Combating Domestic Violence provided protection for witnesses and victims. Proposed amendments to that law included provisions aimed at improving cross-sectoral cooperation, supporting victims and broadening the definition of the family. The parliament was due to discuss those amendments shortly. In the light of the changes to the Criminal Code, which made domestic violence an offence, there was now a new legal framework for ending that phenomenon. Clear procedures to enable greater intersectoral cooperation had been set out and victims were offered a range of support services, including psychological counselling and legal services. The police had also developed new guidelines on working with, supporting and protecting victims of violence.

45. A focal point for victims of domestic violence had been designated within the police force and a 24-hour shelter had been opened to offer health care and legal services. Since its inception, the shelter had received more than 400 victims, of whom 70 per cent had been under 18 years of age. In October 2014, a national domestic violence hotline had been set up. The number of calls made to the hotline had been steadily increasing, thanks in part to a growing awareness of the service. Training courses were run for perpetrators of domestic violence — for whom they were mandatory — and for social workers and police officers in all nine districts of Ulaanbaatar.

46. **Ms. Narangerel** (Mongolia) said that Mongolia had ratified the Palermo Protocol in 2008 and that, in 2012, the parliament had passed the Law on Combating Trafficking in Persons, pursuant to which the Government had developed the National Programme on Combating Human Trafficking. According to the Mongolian Gender Equality Centre, between 2006 and 2013, there had been 95 recorded cases of human trafficking involving 226 victims.

47. **Ms. Gantuya** (Mongolia) said that the National Programme on Combating Human Trafficking was based on prevention, the protection of victims, the prosecution of offenders and integrated policies. The Programme, which was fully funded, would cover the period from 2015 to 2020.

48. **Ms. Hofmeister** asked whether and how the issue of multiple discrimination was dealt with in the State party's legislation, to what extent women with disabilities who were victims of violence had access to legal and psychological assistance, and what was done to ensure that victims were aware of the services available to them.

49. **Ms. Gabr** said that she would appreciate information on measures to protect elderly women from all forms of violence. She also invited the delegation to provide an update on the status of the National Programme on Combating Human Trafficking, which was reportedly not being implemented.

50. **Ms. Rentsenkhand** (Mongolia) said that the parliament had approved a law on persons with disabilities that prohibited all forms of discrimination on the grounds of disability. An action plan would be formulated to implement the law with input from a 2015 study on the rights of women with disabilities. Under the amended Criminal Code, the vulnerability of a victim owing to disability was considered an aggravating factor.

51. **Ms. Oyunkhand** (Mongolia) said that the Government had drawn up a national programme on health care for the elderly, an entire chapter of which had been devoted to elderly women. A national gerontology centre had been established and there were specialist health professionals working in every province of the country.

52. **Ms. Gantuya** (Mongolia) said that the Government would hold discussions on the National Programme on Combating Human Trafficking in March 2016.

Articles 7 to 9

53. **Ms. Zou** Xiaoqiao said that it would be interesting to know what specific measures, including temporary special measures, benchmarks and incentives, had been taken to promote women's full and equal participation in political and public life. The delegation should provide details of efforts to ensure that women were appointed to leading positions on equal terms with men, indicate whether campaigns had been conducted in the public and private sectors to raise awareness of the importance of women's participation in decision-making and describe any mechanisms that had been created to monitor the impact of such campaigns.

54. She wished to know whether measures were envisaged with regard to candidate registration fees for local and national elections, which constituted a considerable financial barrier to women's participation, and what would be done to enable more women to represent the Government internationally. In particular, it would be useful to know how many women were employed by the Ministry of Foreign Affairs and whether temporary special measures would be taken to boost the number of women in decision-making positions in the diplomatic service.

55. The delegation should state whether the recently approved law on persons with disabilities contained provisions to encourage the political participation of women with disabilities and outline the steps being taken to guarantee that those women exercised their right to vote, to be elected and to participate on an equal basis with other women in the development of legislation, policies and programmes, not only concerning their rights but also women's issues in general.

56. **Ms. Gabr**, noting that the State party had not yet responded to the request for information on whether Mongolian women could transmit their nationality to their children and foreign husbands, asked whether interracial marriages were systematically recorded and why no special mechanism had been set up to monitor marriage agencies.

57. **Ms. Narangerel** (Mongolia) said that women accounted for roughly half of all employees in the Ministry of Foreign Affairs, including half of the 10 staff members in managerial positions.

58. **Ms. Rentsenkhand** (Mongolia) said that a parliamentary resolution was being drafted to step up the implementation of the 2011 Law on the Promotion of Gender Equality, which prohibited gender discrimination in political and public life. There was no legal impediment to women standing for election and, in 2013, Natsagiin Udval had become the first woman to run for the presidency.

59. **Ms. Bolormaa** (Mongolia) said that the law on persons with disabilities enshrined the rights of persons with disabilities to run for political office, to vote independently and secretly, and to have equal access to political campaign material. Political parties had assumed a duty to support the candidacy of persons with disabilities and to foster their participation in party activities.

60. **The Chair** asked whether State party legislation had ever discriminated against persons with disabilities with regard to the right to vote and, if so, what changes had been brought about by the law on persons with disabilities.

61. **Ms. Altanjargal** (Mongolia) said that previous laws had not restricted the rights of persons with disabilities to vote or to be elected.

62. **Ms. Narangerel** (Mongolia) said that one of the aims of the law on persons with disabilities was to create a favourable environment for candidates and voters with disabilities, including persons with visual impairments and wheelchair users.

63. **Ms. Gantuya** (Mongolia) said that children born outside Mongolia to a Mongolian citizen and a foreign spouse could choose their nationality when they reached the age of majority. Before that time, their nationality was determined on the basis of a joint decision of the parents.

64. **Ms. Zou** Xiaoqiao said that the delegation had still not indicated whether campaigns had been conducted in the public and private sectors to raise awareness of the importance of women's participation in decision-making. Noting that, in its concluding observations on the initial report of Mongolia (CRPD/C/MNG/CO/1) from May 2015, the Committee on the Rights of Persons with Disabilities had recommended that the State party should repeal legal provisions that denied or restricted the right to vote based on disability, she asked the delegation to confirm whether or not State party legislation had ever discriminated against persons with disabilities.

65. **Ms. Schulz** said that the Government should perhaps reconsider whether it was appropriate to leave the nationality of children born outside Mongolia to a Mongolian citizen and a foreign spouse up to the parents. She also asked why, in a globalized world, the State party continued to have fairly restrictive legislation on dual citizenship.

The meeting rose at 1.05 p.m.

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1382nd meeting
Held at the Palais Nations, Geneva, on Friday, 19 February 2016, at 3 p.m.

Chair: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh and eighth periodic reports of Mongolia (continued)

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Mongolia (continued) (CEDAW/C/MNG/8-9; CEDAW/C/MNG/Q/8-9 and Add.1)

1. *At the invitation of the Chair, the delegation of Mongolia took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Gantuya** (Mongolia) said that children born outside Mongolia to a Mongolian citizen and a foreign spouse could choose their nationality when they reached 18 years of age. Before that time, the mutual agreement of both parents was required in order to register them as Mongolian citizens. Dual citizenship was not recognized in Mongolia given the size of the population and for reasons of national security.

Articles 10 to 14

3. **Ms. Patten** said that the Committee would appreciate more information on how the State party was promoting the equal participation of women in highly skilled professions and management positions and what was being done to end occupational segregation. The annulment in 2008 of certain labour regulations had lifted the prohibition of certain types of employment of women in industries such as mining, construction and transport. She wondered whether the Government was considering introducing affirmative action policies in order to increase the number of women in fields in which they were underrepresented.

4. It was commendable that the State party was reviewing its Labour Law and strengthening its legal framework for occupational safety and health. There were, however, still significant shortcomings in the labour inspection system due to the privatization of State-owned companies and the sharp increase in the number of self-employed persons. She wished to know what was being done to strengthen labour inspection capacity and whether the status of implementation of the State Policy on Informal Employment had been assessed, and, if so, what lessons had been learned. Given that women's business opportunities were often limited due to the difficulties that they encountered in accessing financial credit, she would like to know if concrete measures were being taken to promote self-employment and business ownership among women, including improving their access to capital. It would be useful to hear about what the Government was doing to close the large, increasing gender pay gap in many industries and to ensure that women were paid the same as men for work of equal value. It was unclear whether mechanisms were in place to adjudicate on wage discrimination matters. She would like to know if there were plans to review the Pension Law in order to ensure that it was not used to force women into early retirement against their will. In relation to the new regulations on pensions and benefits, introduced in 2012 and 2014, it would be helpful to see available data on how many women had benefitted from them.

5. **Ms. Arocha Domínguez** said that the reduction of the maternal and infant mortality rates was an important achievement. In the replies to the list of issues (CEDAW/C/MNG/Q/8-9/Add.1) it was mentioned that new legislation on abortion had been introduced in 2014. The implications of the law should be clarified. In particular, she wished to know whether it was linked in any way to the significant increase in the birth rate in recent years. While it was commendable that the State party had a positive

relationship with the United Nations Population Fund (UNFPA), it was important to ensure that a sustainable supply of contraceptives and the teaching of sexual education in schools were not dependent on funding from the Fund.

6. It was also crucial to guarantee that sexual health services were available to unmarried women and to women from the lesbian, gay, bisexual and transgender (LGBT) community and that medical professionals were properly trained to deal with their needs. Data on the incidence of breast and uterine cervical cancer in the country and the respective mortality rates would be appreciated. Despite the ratification and subsequent amendment of a law designed to protect the rights of HIV-positive individuals, information had been received by the Committee to indicate that discrimination still occurred against those persons in practice, especially in the context of employment. What was being done to monitor implementation of the law and to prevent discrimination in the labour market?

7. **Ms. Bailey** said that, despite a robust legal and policy framework for education, it was clear that discrimination was still experienced by girls and women in certain areas. Adolescent girls who fell pregnant were often stigmatized and forced to drop out of school and there was no policy to keep them in education. She would like to know if the education provided to young mothers in the lifelong education centres was of the same quality, and provided the same employment opportunities, as mainstream schools. She wondered whether it was possible for the young mothers to be reintegrated into the mainstream education system at any point.

8. She was concerned about the high rate of adolescent pregnancy in the State party. In the concluding observations of the Committee on the Rights of the Child (CRC/C/MNG/CO/3-4), that Committee had noted that sexual violence against minors was prevalent within families. In addition, alternative sources had indicated that sexual harassment was also a problem in educational institutions, especially those in rural areas. She asked what was being done to resolve that problem and to ensure that the perpetrators of sexual violence were punished appropriately. In the light of the information provided in the replies to the list of issues on the revision of sexual and reproductive health curricula in schools, she would like to know if there was a plan to make the curricula more gender specific and to cover subjects such as gender relations and responsible sexual behaviour. Information on the measures taken to promote inclusive and accessible education for girls with disabilities would be helpful. In addition, she was concerned about the accessibility of centres of special education in rural areas and would welcome information on any steps being taken to improve it.

9. **Ms. Altanjargal** (Mongolia) said that the principle of non-discrimination was enshrined in various laws in Mongolia, including the Constitution. The Labour Law was being amended to include a specific provision to prohibit discrimination in the labour market and harassment in the workplace. There were also plans to introduce harsher penalties for violations of the provisions of the Law, including monetary fines. The Law on Occupational Safety and Health had been revised in 2015 and, following the amendments made, businesses were required to have an in-house specialist available to conduct training on occupational health and safety. Amendments had also been made, in 2016, to legislation aimed at supporting small businesses and creating a more favourable environment for economic growth. The National Human Rights Commission had conducted a study on the issue of the gender pay gap in Mongolia and its findings had been reflected in the amendments made to the Labour Law. The provisions on women's right to equal remuneration under the Convention were directly reproduced in the amendments to the Labour Law.

10. **Ms. Oyunkhand** (Mongolia) said that Mongolia had implemented policies intended to boost the birth rate and, in its efforts to achieve the Millennium Development Goals, the Government had focused on the issue of abortions. In

particular, the legalization of abortion in 1996 ensured that the procedure was conducted in an appropriate medical environment. There had been a significant increase, of around 5 per cent, in abortions in the last 10 years. The Government had introduced changes to the curricula in schools and set up clinics for adolescents in all provinces, where contraceptives were distributed, in order to improve the country's sexual and reproductive health. An estimated 77 per cent of the population of Mongolia had access to contraception and public funding was provided to cover the costs of contraceptives. Screening for cervical and other forms of cancer, such as breast cancer, were carried out by trained health-care professionals in an effort to reduce the incidence of those cancers. A campaign had also been led to vaccinate adolescents against human papillomavirus. A large number of activities had been carried out in the field of women's reproductive rights, focusing on health care during pregnancy, often in collaboration with civil society partners, and on providing counselling, guidance and regular health check-ups for all women. Women with babies up to the age of 8 months were encouraged to breastfeed in the workplace and their right to do so was protected under labour legislation.

11. **Mr. Rentsenkhand** (Mongolia) said that several courses taught in secondary schools covered the subject of contraception and reproductive health. The Government had taken appropriate measures to address the problem of teenage pregnancy and school dropout. Informal education was provided for children who had dropped out of mainstream education through the lifelong education centres. There were 330 such centres located in 11 different provinces. The centres also provided training on reproductive health, the prevention of domestic violence and gender equality.

12. **Ms. Hofmeister** said that more information on the access of women with disabilities to the labour market would be appreciated. In particular, she would be interested in hearing about any publicly funded training to prepare them for employment and provide them with assistance in the workplace in order to promote inclusion and equality.

13. **Ms. Schultz**, welcoming the introduction of legislation prohibiting gender-based discrimination in employment, pointed out the importance, and difficulty, of ensuring its implementation in practice, specifically in respect of women from minority groups, such as lesbian, bisexual and transsexual women, women with disabilities and women from ethnic minorities. In the light of reports of difficulties encountered by women from minority groups in accessing health services, notably where sexual and reproductive rights were concerned, how did the Government intend to provide training to ensure that staff were prepared to meet their needs? Reports indicated that there had been cases of forced abortions and sterilization of women with disabilities, in clear violation of their rights. She would be interested to know whether the Government had a timetable for the revision of legislation that permitted such practices and the implementation of training to raise the awareness of medical personnel.

14. **Ms. Patten** said she would like to know when the new Labour Law would be adopted. She would welcome more specific responses to her earlier questions concerning the real situation in respect of occupational segregation and affirmative action in specific sectors and whether labour inspections had been scaled up. The three-phase adoption of the new policy on the informal sector was a promising development but it would be interesting to know whether its implementation had been assessed. She would welcome information on ways in which women were encouraged to set up their own businesses, whether attention had been paid to possible abuse of the early retirement age for women, whether new policies were envisaged to help parents achieve a life-work balance and what was being done to promote gender equality in the private sector.

15. **Ms. Pimentel**, noting that the recent amendments to the Criminal Code covered offences based on sexual or gender identity, said she commended the State Party on being the first country in the Asia and Pacific region to outlaw hate crimes and hate speech. The Government might usefully collaborate with NGOs to develop measures to train health and education professionals to integrate that approach into their daily work.

16. **Ms. Altanjargal** (Mongolia) said in respect of employment programmes that, of the more than 166,000 persons who had found permanent jobs through the Ministry of Labour employment programme by the end of 2015, 44 per cent were women. A job creation scheme for persons with disabilities, with funding amounting to more than 700 million tugriks, had already helped over 4,000 persons in 2015 and would be continued. The small loans programme had provided support for 1,700 persons, including 800 women, and a programme aimed at herders had reached more than 4,400 persons, of whom nearly half were women.

17. Once the Government had finished discussing the amendments to the Labour Law, the bill would be passed on to parliament and was expected to be adopted during its spring session. The amendments included measures to address and prevent sexual harassment at work, and would allow employees to file complaints without any fear of reprisal. Paternity leave was provided for and the sharing of childcare duties encouraged. Employment contracts could not be cancelled during either maternity or paternity leave.

18. **The Chair** said she would welcome information on the effect of the earlier age of retirement for women and the childcare provision available to help working parents.

19. **Ms. Altanjargal** (Mongolia) said that the age of retirement was 60 years for men and 55 for women, if they had contributed to the social insurance fund for at least 20 years. Any woman who was forced to retire before that time could complain to the courts.

20. **Ms. Oyunkhand** (Mongolia) said that forced abortion and sterilization of persons with mental disabilities were not legal. A 2015 amendment to a Ministry of Health order that had previously required simply the consent of the woman's guardian meant that, if a pregnant woman with mental disabilities was considered incapable of looking after the child, a termination could only be carried out if the woman herself consented. Legislation on health insurance adopted in 2015 provided for home-based medical care where appropriate, including for persons with disabilities. Although the needs of persons with disabilities and lesbian, bisexual and transgender persons were not addressed specifically in courses for all health service staff, gynaecologists and specialists in male health did receive such training.

21. **Ms. Zou** Xiaoqiao said she would be interested to hear how gender perspectives were included in recent policy developments and how women, especially poor rural women and women with disabilities, were empowered to participate fully in their implementation. It seemed that the country's economic growth had increased the gap between rich and poor rather than helped to eradicate poverty. She would like to see figures on the number of women and children living in poverty and information on the results of programmes that targeted the needs of poor women, particularly the funding available to women who wanted to set up their own businesses but did not have the collateral to access bank loans. Given the cuts in community-based services resulting from the economic crisis, had any surveys been carried out to assess their impact on persons with disabilities, who were theoretically guaranteed certain benefits and services?

22. **Ms. Jahan**, noting that the nomadic lifestyle made rural women particularly vulnerable to poverty and gender violence, said she would like to see disaggregated

data on their access to education, health care and other resources in the next periodic report. Recognizing the State party's action to bring the plight of rural women to the attention of the world by sponsoring a resolution of the General Assembly of the United Nations, she would welcome information on any national strategy that addressed their needs, the proportion of the national budget devoted to them and funding for projects that targeted them. Details of action taken to improve the level of women's participation in elected bodies, including how the recommended 40 per cent quota at local level was implemented, would also be useful. The harmful environmental consequences of mining exploration, which led to internal migration, particularly affected women; what institutional mechanisms existed to offset them and how was access to the infrastructure that came with such development ensured for the local community? Given that land ownership remained male-dominated, it would be interesting to know what was being done to raise awareness of women's property and land rights under the Constitution. The telemedicine network seemed a promising development, but were mobile clinics being introduced? Since the country had an extreme climate and was at risk of natural disasters, it would be interesting to know what economic and social provision was being made to address the specific risks facing rural women and how they were encouraged to participate in the relevant planning.

23. **Ms. Ameline** said she would like to hear about the Government's plans to address the problem of environmental migration from countryside to cities that resulted from desertification.

24. **Ms. Oyunkhand** (Mongolia) said that the Government endeavoured to provide acceptable levels of health-care services throughout the country. Support from the World Bank, Luxembourg and China had allowed it to make telemedicine diagnostics available in all 21 provinces and an e-health programme would be introduced over the next five years to ensure access to primary health care for all, regardless of place of residence. During particularly severe winters when people were forced to migrate, they received targeted health-care services and supplies, such as hay, from the Government. In respect of women's reproductive rights, there were 370 maternity facilities throughout the country where women could go to prepare for childbirth.

25. **Ms. Rentsenkhand** (Mongolia) said that there were 78,000 registered single mothers in Mongolia, who received social welfare and child benefit. Women with disabilities received disability benefits. Although the amount paid had not decreased, it was not sufficient for the medication or services that such women needed. With support from the World Bank, the Government was conducting a survey into the effectiveness of the welfare system. Meanwhile, since January 2015, a full retirement pension had been paid to members of national minorities, such as the reindeer herders of the north of Mongolia.

26. It was indeed the case that rural women lacked knowledge of gender equality. The Government had therefore carried out a survey in September-October 2015 in three provinces in western Mongolia on meeting the requirements for gender equality under the Convention. A gender equality programme had subsequently been developed.

27. A sustainable artisanal mine project was in place, with support from the Swiss Agency for Development and Cooperation, with a view to improving social protection policies and social welfare for artisanal miners.

28. **Ms. Oyunkhand** (Mongolia) said that the greatest challenge facing the health sector was migration due to climate change. Every organization in Mongolia was required to carry out a risk management assessment and plan accordingly. The national agency responsible for disaster management worked with the police on risk reduction.

In 2012 and 2015, risk assessment had been conducted in 30 districts. Rules were established at every level of administration in the event of national disaster or environmental change.

29. **Ms. Bolormaa** (Mongolia) said that everyone had an equal right to the ownership of land and the Government was taking measures to increase the capacity of vulnerable women in that regard. In 2014, it had launched a strategy on increasing women's participation and leadership in economic and social life. Under the recently adopted development policy and planning legislation, long-term planning was projected for 30 years and sectoral policies for 10 years, with a review every 5 years. A national programme on gender equality under the Act was currently in preparation.

Articles 15 and 16

30. **Ms. Leinarte**, addressing issues under article 15 of the Convention, said that one in three adolescent girls did not know how to protect themselves against unwanted pregnancies, one of the main reasons being the lack of access to contraceptives and sex education. She asked what the situation of single mothers was in Mongolia and what financial assistance they could expect from the State. She wondered whether a young mother could place her child with a State-run orphanage as a last resort; according to alternative reports, State orphanages and foster homes were reluctant to accept such children.

31. She asked how the revised Family Law protected single women after divorce. According to the State party report, female-headed households made up 76.2 per cent of all households headed by one person, while, according to other sources, 90 per cent of single mothers lived below the poverty line. Moreover, between 2009 and 2014, there had been almost 7,000 cases in which fathers had been ordered to pay alimony or child support, yet only one third had actually done so. Mothers were left with only US$ 10 social welfare payments per month to live on and she asked how the Government intended to change the situation and force fathers to pay child benefit.

32. She asked how a divorced woman was guaranteed a fair division of land following a divorce, especially in rural areas, when such land was registered in the name of the husband.

33. **Ms. Oyunkhand** (Mongolia) said that the number of teenage pregnancies had undoubtedly increased, but that was partly due to the fact that pregnancy and birth had become safer. At the same time, there was a need to improve young people's behaviour and provide information on health. Health education classes were therefore conducted in schools and clinics were held in rural areas for adolescents. Student Health Month had been established and counselling centres had been set up in students' dormitories to provide help with reproductive issues. The Government aimed to take further action on reproductive health and also to create a healthy environment at the workplace.

34. **Ms. Gantuya** (Mongolia) said that, in order to ensure that fathers paid alimony and child benefit, amendments had been made to the Criminal Code and the Code of Criminal Procedure. Amendments to the Family Law, which dated from 1999, would be discussed in the parliament, with new regulations to force fathers to pay their dues.

35. **Ms. Rentsenkhand** (Mongolia) said that the Law on Childcare Services had come into force at the beginning of 2016. The Law had enabled 31,413 parents who could not combine child-rearing with work to send their children to kindergartens.

36. **Ms. Leinarte** said that her question had related not to the prevention of pregnancy but to the Government's approach to the difficult situation of single mothers, especially very young mothers.

37. **Ms. Gabr** said that she would appreciate an answer to her question about the relationship between the country's women's mechanism and parliament and about how that mechanism would promote all the amendments mentioned by the delegation that would benefit women. She also asked whether the Government planned to submit the Committee's concluding observations to the parliament.

38. **Ms. Jahan** recalled that she had asked whether the development policies at national and regional level targeted rural women and whether they were allocated a sufficient budget. She also wished to know whether there was a specific gender component in the country's disaster-risk reduction and management strategy.

39. **Ms. Altanjargal** (Mongolia) said that a fund established under the Law on Childcare Services provided support for child-rearing and specific programmes to support teenage mothers.

40. **Ms. Rentsenkhand** (Mongolia) said that vulnerable people, including vulnerable mothers, received State support. Those living below the poverty line were given food vouchers. The benefits were not sufficient for single mothers, but at least they made some contribution to the mothers' welfare.

41. **Ms. Gabr** said that some laws were still before the parliament and she asked whether the Government would take action to make sure that amendments would benefit women. She also asked what programmes existed to create awareness among NGOs and the public and promote such legislation.

42. **Ms. Narangerel** (Mongolia) said that there were many laws awaiting adoption by the parliament and she wondered which ones Ms. Gabr had in mind.

43. **Ms. Schulz** asked whether the State party had a mechanism to revise all forthcoming legislation to make sure that it was compatible with the gender equality provisions of the Mongolian Constitution and the Convention.

44. **Ms. Rentsenkhand** (Mongolia) said, in reply to Ms. Gabr, that the Law on Gender Equality of 2011 established the relations between the National Committee on Gender Equality and the parliament. The Committee was required to report to the parliament every two years on action to promote gender equality and the parliament would make decisions on that basis. Such a report would be made in 2016. She added that 11 members of the Committee had been elected to parliament in 2012 and they worked closely with the women's caucus in the parliament.

45. **Ms. Narangerel** (Mongolia) said that amendments to the Labour Law and the Law on Combating Domestic Violence were before the parliament and it was hoped that they would be adopted in the spring of 2016. Legislation on programmes to benefit rural women, with a particular focus on employment, would also be adopted.

46. **The Chair** said that the State party should inform the Committee in writing about the other issues raised by Ms. Gabr.

The meeting rose at 5.10 p.m.